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THE OLDEST DOCUMENT OF THE HEXATEUCH

By JULIAN MORGENSTERN, Hebrew Union College, Cincinnati, Ohio.

I

INTRODUCTION.

THE Decalogue in Ex. 34. 14–26 presents many difficult, interesting and significant problems. Ever since Goethe, with keen, critical acumen, compared this Decalogue with the better-known one in Ex. 20.2–17, and thereby established its independence and greater antiquity,[1] this Decalogue has been the subject of careful and profound study by leading Biblical scholars, and hypotheses and conclusions regarding its origin and literary history of a surprisingly wide range have been advanced. In general scholars have assumed that inasmuch as the Decalogue of Ex. 20 is unquestionably of Elohist authorship, this obviously older and more pronouncedly ritualistic Decalogue in Ex. 34 must be the work of Yahwist writers; or, if not actually the work of Yahwist writers, themselves, then the work of writers, somewhat older than but so closely akin to the Yahwist school, that it has been incorporated into the J Code with such ease and thoroughness that it has become to all intents and purposes an integral part of that Code. This hypothesis is assumed gratuitously rather than proved conclusively by the marshalling of convincing evidence. Accordingly Biblical scholars generally speak of this as the Older or J Decalogue. That this Decalogue is older than that of Ex. 20 is almost self-apparent.[2] But the question of its origin and authorship, and in particular, whether it is the work of Yahwist or pre-Yahwist writers, is certainly worthy of renewed, careful, scientific investigation.

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[1] *Zwo wichtige bisher unerörtete biblische Fragen;* 1773.

[2] Eerdmans (*Alttestamentliche Studien*, III. 77–92) maintains that we have no Decalogue here, and also that the passage is of post-exilic origin. His evidence and argument are, however, gratuitous, apodictical and not at all conclusive. Pfeiffer ("The Oldest Decalogue," *JBL*, XLIII [1924], 294–310) also holds that the laws of Ex. 34 are comparatively young, and represent a modification of an older decalogue found at the end of the Book of the Covenant in Ex. 23.12–19.

Moreover scholars seem to have assumed, again gratuitously, that the ten laws themselves constitute a complete literary unit, and that if they be of pre-Yahwistic authorship, they existed originally entirely by themselves without any literary setting, introduction or conclusion, that consequently only these ten old laws themselves could have been incorporated into the J Code, and the narrative setting in Ex. 33 and 34, in which we now find these laws, is entirely the work of J, with, however, certain minor additions and slight alterations by D and P writers. It seems scarcely to have occurred to Biblical scholars that perhaps the narrative setting in Ex. 33 and 34, or at least a certain portion thereof, may have been from the very beginning inseparably associated with the ten laws, a part of the same little booklet or document, of which these laws formed a nucleus, and that when the laws were incorporated into J, the original narrative setting naturally was likewise incorporated with them, with however, as was to be expected, certain necessary and reasonable modifications, to make it accord better with the main J narrative. This question, too, merits careful scientific investigation.

In a paper entitled "Biblical Theophanies"[3] I discussed this question incidentally but at some length, and presented considerable evidence supporting the conclusion that a certain portion of the narrative in Ex. 33 and 34 and also Num. 10.29–32 formed the original narrative setting of the ten laws in Ex. 34, or rather a fragment of the original narrative setting, and that this narrative setting with the ten laws constituted a literary unit, an independent document, the oldest in the Hexateuch. This document I ventured to call, because of the main thought underlying it, the Little Book of the Covenant, distinguishing it by the adjective from the related Greater Book of the Covenant in Ex. 20.23–24.8. And this Little Book of the Covenant I designated for the sake of convenience of reference C2, while the Greater Book of the Covenant I labelled C1.

[3] *ZA*, XXV (1912), 139–193, and XXVIII (1915), 15–60; cf. in particular XXV, 171–193.

Since then continued investigation has brought to light many new facts of great import, which not only fully corroborate the previous conclusion of the original independence and early authorship of the Little Book of the Covenant, but also make it possible to fix its date and determine the conditions and purposes of its composition with greater certainty and exactness perhaps than any other document of the Hexateuch with the possible exception of the Deuteronomic Code. And, in addition, new and increased light is shed thereby upon the history of Israel in two of its most critical periods, that of the Exodus from Egypt and the desert wanderings, and that of the time in which this document was composed; and this in turn enables us to answer with far greater fullness and probability some of the most difficult and intricate problems of Israel's early history. For this reason the entire subject is worthy of being taken up anew, in a manner entirely independent of and in greater detail than the first and somewhat preliminary and tentative treatment in the paper on "Biblical Theophanies."[4]

Moreover, it has become evident that the label C2 is rather inept, since on the one hand it is easily confused with C1, the label for the Greater Book of the Covenant, and on the other hand it is misleading; for, as I shall endeavor to show, the Little Book of the Covenant is older by more than a half century than the Greater Book of the Covenant, while just the opposite and the incorrect implication is conveyed by the respective labels C2 and C1. Furthermore, constant study has established the dominant presence of a Kenite background and point of view in this Little Book of the Covenant. It is therefore both convenient and appropriate to designate it as the Kenite Document, and label it K, and to label the Greater Book of the Covenant simply C.[5]

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[4] The literary history of this Decalogue has been investigated repeatedly by many of our foremost Biblical scholars, and conclusions with regard thereto of the most extreme and surprising range and variation have been reached. It would require a paper of considerable length merely to give a survey of the hypotheses which have been advanced and the conclusions which have been reached by these scholars, while a detailed and systematic consideration of these hypotheses and conclusions would in itself constitute a book of no mean size. Inasmuch as the present study is in every respect independent of all previous investigations and reaches conclusions all its own, and anticipated in no way whatsoever, so far as I can see, by any earlier Biblical scholar, I have deemed it inexpedient and supererogatory to attempt even a complete list of these previous studies, and refer only incidentally and as the occasion may arise to such as may require citation.

II

ANALYSIS OF EXODUS 33–34.

Before considering the ten laws in detail, it will be well to make a thorough analysis of the narrative passages which we assign to K, in order to establish the correctness of this assignment and to pave the way for further conclusions, which must be based upon this analysis.

It requires but little consideration to realize the intricate composite character of the opening portion of Ex. 33. Elsewhere[6] I have shown that vv. 7–11, which by almost all scholars are assigned to E, are utterly out of accord with the underlying literary and theological principles of that document, but accord fully with, and are in fact essential to the course of the narrative of J. They are beyond all possibility of doubt, in their present form at least,[7] an integral and extremely valuable portion of the J Code.

Moreover vv. 1b–6 contain matter obviously emanating from J and E and RJE, yet so intricately woven together that it is extremely difficult to attempt a complete analysis with even a moderate assurance of correctness. Vv 5bc–6 are certainly E. Likewise the thought in vv. 2a and 3b that the Deity will not go up in the midst of Israel, but that instead He will send an angel to lead the people[8] is certainly Elohistic, since the J Code tells throughout that Yahwe does Himself accompany Israel upon its entire journey through the wilderness and reveal Himself to Israel directly and frequently in the form of the pillar of cloud by day and the pillar of fire by night.[9] On the other hand vv. 1b–5a[10] contain much material that is self-evidently Yahwistic, yet equally obviously not at all primary in character, and therefore most probably J2 or RJ. More than this cannot be affirmed with any certainty.

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[5] Probably the spelling Qenite, and the consequent employment of Q as the proper label would have been more in conformity with scientific usage. But inasmuch as Wellhausen many years ago (*Die Composition des Hexateuchs*[3] [1899], 1) used Q to designate what has since come to be generally known as the Priestly Code, it is now expedient, in order to avoid confusion, to designate this Qenite or Kenite Document, K. For this reason, too, in this paper I employ the spelling Kenite rather than Qenite.

[6] "The Tent of Meeting," *JAOS*, 38 (1918), 125–139.

[7] But cf. below, p. 122, for a partial qualification of this statement.

[8] Cf. Ex. 23.20ff.

We are now ready for the analysis of vv. 12ff. In the first place it must be noted that these verses exhibit manifest evidence of editorial revision and amplification. In v.15 פנים is used in a sense altogether different than and unrelated to its use in either v.14 or v.23, a sense which in every way, as we shall see, disturbs the continuity of the main narrative. In the second place v.13a is in part at least, if not entirely, a parallel to or anticipation of the same thought which is expressed in v.18. There the request of Moses comes in its logical place and finds its proper sequence, as we shall see, in the continuation of the story. But the thought of v.13a comes entirely too early and is altogether without sequence.

Furthermore, the thought of v. 13b that Israel is already Yahwe's people, illogically anticipates the thought of Ex. 34, 10ff. that Yahwe is about to establish a covenant with Israel. Not until this covenant has been established, can Israel, strictly speaking, be called so positively Yahwe's people. This thought here accords perfectly with the basic idea of the J Code, that already from the days of Abraham Yahwe had destined Israel to be His people and Himself to be their God. And that according to J this covenant between Yahwe and Israel had already been ratified, is apparent from the fragments of the J version of the revelation on Sinai in Ex. 19 and 24. But according to our main narrative here this covenant is still to be proposed by Yahwe and ratified by Himself and Israel. Consequently this statement in v.13b, that Israel is already Yahwe's people and therefore already has an incontrovertible claim upon Yahwe's favor and protection and even His companionship upon its journey, accords not at all

[9] Ex. 13, 21f. Cf. "Biblical Theophanies," *ZA*, XXV (1912), 153–158.

[10] Omitting of course 2a and 3b*αγ*.

with the thought of the main narrative. We must conclude therefore that v. 13b is secondary.

Moreover, the same conclusion must apply to vv. 15 and 16, for here, too, the underlying thought is that Yahwe is already and completely Israel's God, and Israel is His people. For, as the two verses state, only Yahwe's presence in the midst of His people can distinguish Israel as more wonderful or powerful than all the other peoples of the earth. Likewise the use of אני here and also in v.19, in contradistinction to the older אנכי, as used in the main narrative,[11] is to be noted, and likewise the significant expression אני ועמך used twice in v.16, according to which Moses seemingly places himself before the people in the estimation of Yahwe.

Now it cannot be accidental nor without import that in all these verses, which accord but ill with the main narrative, one expression and one underlying thought find constant repetition. It is the expression מצא חן, and the thought that Moses has found particular favor in Yahwe's eyes, favor so profound that it distinguishes him entirely and sets him completely apart in Yahwe's sight from the people at large. It is the same expression with exactly the same connotation which is found not only so frequently in this passage[12] but also in Num. 11.11,15. Moreover, the statement in v. 12b that Yahwe has become so well-disposed toward and familiar with Moses as to know him by his own name, and that He has already told Moses that he has found favor in His, Yahwe's, eyes is entirely without direct antecedent in the narrative of Exodus. Nowhere previous to this do we find the record of any such statement made by Yahwe to Moses, in these exact words. The nearest approach thereto is in Ex. 32,7–14, when Yahwe singles out Moses from the rest of the people as the object of His favor, and proposes to make of Moses a great and separate nation, even while He destroys all Israel. This same thought is repeated in Num. 14, 11ff. Furthermore, in all these passages in which Moses, in significant contrast with the rest of Israel, is represented as the especial object of Yahwe's favor, one thing is particularly noticeable, viz. his temerity in venturing to

[11] Ex. 34. 10, 11.

[12] Ex. 33. 12b, 13a, 16, 17b; 34. 9.

differ with Yahwe and argue against Yahwe's various proposals. Again and again Moses expostulates with Yahwe, and apparently sees more clearly than Yahwe the inglorious and unworthy consequences of Yahwe's proposed actions; and in every case Moses' arguments carry the force of conviction and Yahwe allows Himself to be turned from His expressed intentions. All this is no mere passing thought and phrase. Rather it expresses a thought or theological principle characteristic of J2. The proofs of all this as well as other cogent reasons for assigning all these and other similar passages to J2 I have discussed fully elsewhere.[13]

In the light of these facts we may for the present, set down as the work of J2 the following verses, 33.12b, 13, 15, 16, 17b; 34.9.

Likewise in 34, vv. 1–5 clearly disturb the continuity of the main narrative, and accord not at all with its underlying thought. V. 1 states explicitly that Yahwe proposes to Himself write the laws upon the tablets, while vv. 27 and 28 state that Moses writes these laws at Yahwe's bidding. Moreover the verses contain numerous evidences of Yahwistic authorship. We may therefore, with practically all scholars, unhesitatingly assign them to J.[14]

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[13] "Moses with the Shining Face," *HUCA*, II (1925), 1–27.

[14] A moment's thought suffices to show that the verses are not entirely homogeneous. Thus in v.4 the subject משה occurs after the second verb וישכם instead of after the first verb ויפסל, where the change of subject takes place, and the explicit mention of Moses' name would normally be expected. (So also LXX, the Targumim and Pesh.) The present word order is awkward and suspicious. Moreover, the use of שני לחת אבנים in the second half of the same verse, without the article (with the possible exception of Pesh., all the versions, however, seem to have read האבנים), despite the fact that these tablets have just been mentioned in 4a, is also awkward and suspicious. The difficulty is obviated perhaps, if we set down vv.2–4aα as a redactorial insertion. And inasmuch as they are manifestly dependent upon Ex. 19.11–13 (J), we must regard them as the work of RJ. Vv. 1 and 4aβγb–5a alone therefore in all likelihood belong to the main J narrative. That these verses are J rather than E, as Baentsch holds (*Commentary*, 280) is clear from a number of unmistakable J characteristics, such as the designation of the mountain by the name Sinai in 4aβ, and the fact that Moses is instructed to prepare the tablets, whereas, according to E in Ex. 32.16, the first tablets, and presumably therefore the second tablets also, were the work of God Himself. Likewise the expression שני לחת אבנים in contrast with לחת אבן (E) of Ex. 31.18 points to J authorship. And finally, the expression וירד יהוה בענן in v.5 is characteristic of all Yahwist theophanies. (Cf. "Biblical Theophanies," *ZA*, XXV [1912], 153–158, and

Other portions of 34 are also manifestly secondary. The analysis of these portions may, however, be advantageously deferred until we shall have completed the analysis of the main narrative.

As possibly integral portions of this main narrative, there remain Ex. 33.1a, 12a, 14, 18–23 and 34.6ff.

V. 1a tells of Yahwe's command to Moses to depart from this place, he and his people whom he had brought up from Egypt. Impliedly this is not yet Yahwe's people, but merely the people whom Moses himself had brought up from Egypt. The reason for Yahwe's command to Moses and Israel to depart from this place is not stated. Undoubtedly it was contained in the original K document, but has been suppressed by the J2 writers or editors in favor of their version of the golden calf story. What it may have been we shall attempt to determine later.

But to Yahwe's command Moses replies directly, "Behold You have just commanded me,[15] 'Bring away this people'; but You have not informed me whom You will send with me." The implications of this verse are significant. Moses has brought Israel to this spot. Presumably the starting point of their journey was Egypt, and this mountain, for we shall see that this is a mountain, and a sacred mountain at that, was the first goal of their journey. Moses was able to lead the people from Egypt to this spot, it is manifestly implied, because he knew the road thus far. And he could have known the road thus far only because he had himself travelled it previously at least once. But if he had made the journey only once, it could have been only from this spot down to Egypt, and would imply that Moses had been born in or near this spot. Such an implication is unlikely, since on the one hand,

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"The Tent of Meeting," *JAOS*, 38 [1918], 125–139.) On the other hand, Baentsch's grounds for ascribing these verses to E are altogether unfounded. He does so partly on the basis of a very questionable analysis of Ex. 32 and partly because he assigns the main narrative of Ex. 34 to J, and then realizing the incongruity of these verses with the main narrative, he naturally infers that these verses belong to E. But, as we have intimated, and shall soon prove, the main narrative of Ex. 33–34 must be assigned to neither J nor E, but to K. Vv.1–5, including the redactorial passage, must therefore be assigned to J. 5b is redactorial, as we shall see.

[15] Notice the force of the participle.

it has no parallel in any of the traditions of the other documents, and on the other hand, it would fail completely to account for Moses' strong interest in the people whom he brings out of Egypt and to this mountain. In other words, the full context of this verse implies that, just as the J and E documents, the K document also must have told of Moses' original journey from Egypt to this mountain, of his return thither, and of his then bringing Israel out from Egypt to this mountain by the road with which he was now well acquainted, since he had thus gone over it twice before.

The verse implies still more. Moses cannot lead the people farther, presumably because he has never been farther than this mountain, and so does not know the road, the location of the wells and springs of water in the desert, and the consequently necessary camping-places. If Israel is to journey farther through the desert, and is not to perish, another guide, fully acquainted with the country lying beyond this sacred mountain, is needed. And so Moses replies to Yahwe's command to leave the mountain, "Very well, but you have not yet informed me whom you will send with me to act as our guide through this unknown and therefore dangerous wilderness." Apparently Moses expects, not a supernatural nor divine guide, such as the angel of E, the pillar of cloud and fire of J, or the *K^{e}bod Yahwe* of P, but only an ordinary mortal, who will guide the people through the wilderness beyond in the perfectly normal, human way in which Moses has guided it from Egypt hither.

But still more is probably implied in this verse. For Moses' answer to Yahwe's command is something more than a mere, objective reply. It is by implication a demand and a question, a demand upon Yahwe to designate a guide to lead Israel through the desert, that it perish not, and a question, who will this guide be. But such a demand and such a question imply something further, that Yahwe Himself has a certain responsibility in the whole affair, that He had something to do with Israel's having come hither under Moses' leadership, and that for this reason, since He now bids them journey on, away from this spot, and since Moses is incapable of leading the people farther, Yahwe is Himself logically and morally obligated to provide a new and competent guide through this unknown country. Even more than this, the implication seems to be that Yahwe's responsibility is due to the fact that Moses had probably brought Israel hither to this place at Yahwe's suggestion, anticipating perhaps that Israel would dwell here forever, in close proximity to this mountain, and not knowing nor even suspecting that speedily, at Yahwe's command, it would have to wander onward; for had Moses known, or even suspected this, due advance provision would undoubtedly have been made for a competent guide from this spot onward, and Moses would not have been completely taken by surprise, as he clearly seems to be here, by Yahwe's command to lead the people away from this mountain; nor would there have been any need for him to now demand by implication that Yahwe furnish a guide, and to inquire who this guide will be.

Apparently therefore the original K document, again like both J and E, must have told, in the earlier portions suppressed by the J2 editors, that Moses had gone down to Egypt at Yahwe's bidding, to rescue Israel and bring it to Yahwe's sacred mountain out in the desert. But unlike J and E, the K document did not relate that Yahwe had announced to Moses in advance what His purpose with Israel was in thus delivering it from Egypt and bringing it to His mountain. This developed only later in the sequence of the K narrative, after Israel, under Moses' leadership, had arrived at the mountain.

Then, to Moses' very logical and just objection, with its implied demand for a competent guide and question as to who this guide will be, Yahwe replies, "My *Panim* shall go and I will give thee rest," i.e. "I will thereby relieve you of the heavy responsibility and the grievous burden which the guidance of this people from Egypt hither has laid upon you. Henceforth this task of guiding the people shall rest upon My *Panim*, and you shall be relieved." The difficult question arises here, and must be answered in the course of this investigation, what is meant by "My *Panim*"?

With the exception of the Peshitta[16] and Vulgate,[17] all the versions and translations, both ancient and modern, interpret פני as meaning "I Myself;" i.e. Yahwe answers Moses, "I Myself" or "My presence will go, and I will give thee rest."[18] This same interpretation, with but slight modification, is given by all modern commentators without exception, so far as I can see. This interpretation is based primarily upon the expression in II Sam. 17.11, ופניך הלכים בקרב, where פניך certainly has the meaning, "Thy presence," i.e. "Thyself." It is likewise supported by Deut. 4.37, ויוציאך בפניו, and by Is. 63.9, particularly as emended and interpreted by most scholars with LXX, לא ציר ומלאך פניו הושיעם, "Not angel nor messenger, but He Himself saved them." Moreover, in accordance with this passage, modern scholars are inclined to distinguish between the מלאך אלהים and the פנים or פני יהוה here by saying, quite gratuitously, that the former tended to develop into the "Angel of God," a theological concept, independent of the Deity, while the *Panim* always continued to be regarded as Yahwe Himself, or at least the form assumed by Him in contact with mortals.[19]

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[16] Which, reading קֳדָמַיי זַל, probably emended פני ילכו to לפני לך, and interpreted the passage conditionally, "If you walk before Me, then I will give you rest."

[17] Which translates literally, "facies mea praecede te."

Moreover, it is an indisputable fact that the J2 redactors in v. 15f. interpret פני to mean Yahwe Himself. This accords perfectly with the fact that פנים did come to mean "self," as in II Sam. 17.11. The only question, however, is not whether פני ילכו of v. 14. *can* mean "I myself shall go," but whether in this particular passage in the original K document, it actually had this or some altogether different meaning.

Careful consideration of 33.15f. and 34.9 makes it perfectly clear that פני ילכו cannot at all have had the meaning in the original text, "I myself will go." For had it had this meaning, in other words, had Yahwe from the very first expressed His willingness or intention of going with Israel, then why should Moses have continued to present cogent reasons in vv. 15f. why Yahwe Himself ought to go in Israel's midst? For while it is true that the J2 redactors who inserted these two verses here interpreted פניך as meaning "Thou Thyself," none the less the context shows that they had serious doubts whether Yahwe Himself was actually going up with Israel; in other words, they were by no means certain that פני ילכו meant "I Myself will go." Nor does it help matters in the least to follow Graetz in his unwarranted reading of v.14, הֲפני ילכו,[20] "Should I Myself go, and give thee rest?" This forced and false exegesis merely recognizes the inherent difficulty here, and the inconclusiveness of the many solutions hitherto proposed.

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[18] LXX renders *Αὐτὸς προπορεύσομαί σου*; Targum, שכנתי תהך; so also Rashi, Ibn Ezra, Rashbam, Ramban, אני בעצמי אלך. Targum Pseudo-Jonathan, interestingly enough, paraphrases and interprets, אמתין עד דיהכון סבר אפין דרוגזא, "Wait until the appearance of anger has passed, and then I will give thee rest." Apparently it interpreted פני as "My anger;" in this it manifestly followed the opinion of Rabbi Jose b.Chalafta, a Tanna of the middle of the 2nd century (Ber. 7a). This was likewise the interpretation of Saadya, according to Ibn Ezra to this passage. (For these last references and a number of valuable suggestions I am indebted to the kindness of my colleague, Professor Jacob Mann).

[19] So Marti, *Geschichte der israelitischen Religion*^{5}, 78.

Moreover, it is clear that in 34.9 Moses is still interceding with Yahwe to go Himself; nor is there the slightest intimation there that Moses has already received Yahwe's word that He would go, as would be the case if we accept the customary interpretation of 33.14. Nor will it solve this difficulty if we follow Marti and other modern scholars and interpret this verse as meaning that Moses is dissatisfied with Yahwe's *Panim*, the form in which He reveals Himself to mortals, but demands instead that Yahwe in His true, divine, to mortals incomprehensible form and being, accompany Israel, and literally "go in its midst." Such an interpretation would be sheer nonsense. Certainly this verse implies one thing and only one thing, that Moses has, as yet, received no promise from Yahwe, nor even the slightest intimation of a promise, that He will go in the midst of Israel. In other words, this verse establishes beyond all possibility of doubt, that פני in 33.14 cannot possibly have had in the original K document the meaning "I myself." The traditional and generally accepted interpretation of פני is certainly incorrect. But the question as to its real meaning it still open and awaits answer. For the present, however, it will be well to pass it by, and return to it later, when further analysis of the narrative shall have provided additional material to work with.

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[20] Cf. Holzinger, *Commentary*, 108.

Vv. 15–17, as we have seen, are the work of the J2 redactors. The continuation of the main narrative is found in v. 18. But a moment's consideration shows that this verse, too, has been revised slightly by a very late, probably Priestly, redactor. As it stands at present, it reads, "Let me behold Thy glory." The reference to Yahwe's glory is altogether without connection or application.

Quite obviously, it is used here in the technical sense characteristic of P; the *K^{e}bod Yahwe* is the fiery form which Yahwe assumes, according to P, when He reveals Himself to mortals.[21] What Moses asks for, seemingly, is not that he may behold Yahwe's glory, but that he may behold Yahwe Himself. כבדך is manifestly a substitute by some Priestly author for another, original word, probably objectionably anthropomorphic in character, which connoted, or seemed to connote, Yahwe Himself. This is proved absolutely by the LXX rendering of the verse, *Ἐμφάνισόν μοι σεαυτόν*, "Show unto me Thyself." What could this original word, for which כבדך is the Priestly substitute, have been?

The answer to this question is not difficult. That it must have been פניך, suggests itself immediately, and is proved absolutely by a mass of evidence. Just as the J2 redactors of vv. 15–17 used פניך in v. 15 in the sense, "Thou Thyself," so LXX and also the late Priestly redactor of v. 18 understood this original פניך of v. 18 to mean "Thee, Thyself." Probably the manuscript from which the LXX version was made still retained the original פניך; hence the LXX rendering *σεαυτόν*. But in another manuscript, from which our MT is descended, or even perhaps at some time after the LXX version had been prepared, some late Priestly writer, taking exception, in accordance with Priestly theology, to the gross anthropomorphism of the original פניך, substituted for it the regular, conventional, Priestly technical, theological term כבדך.

But while we may be sure that פניך was the original reading here, it by no means follows that the interpretation of LXX and of the late Priestly redactor, "Thee, Thyself," was correct. On the contrary, understanding that v. 18 is the direct continuation of v. 14, the reading פניך there gives the verse an altogether new and significant meaning. In v. 14, Yahwe has said, "My *Panim* shall go, and I will give thee rest." Thereupon Moses replied, "Let me see Thy *Panim*." Clearly Moses has understood פני in v. 14 in its customary, physical sense, "My face," and immediately a thought has suggested itself to him. He does not stop to consider the incongruity of the idea as he has interpreted it, that Yahwe's face, in a physical sense, will go with Israel. His attention has been caught by the first word alone, פני, "My face." So he immediately makes his request, "Let me see Thy face."

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[21] Cf. "Biblical Theophanies," *ZA*, XXV (1912), 141–153.

The continuation of the narrative is found in v. 20. V. 19b, whatever its real meaning may be, is obviously the work of the J2 redactors a variant expression of the characteristic J2 thought of Moses finding favor in Yahwe's eyes. V. 19a is equally obviously out of place, and should follow v. 20 instead of preceding it. For, v. 21 is the direct and logical continuation of v. 19a, just as v. 20 is the direct and logical continuation of v. 18. Why the J2 redactor in revising v. 19 should have transposed it to precede v. 20, it is difficult to imagine. Not impossibly this transposition may have been the work not of the J2 redactor, but of the late Priestly redactor, who substituted כבדך for the original פניך of v. 18, and who sought to reduce the objectionable, anthropomorphic character of this passage still further by removing the reference to Yahwe's physical face in vv. 20 and 23, since these could not be suppressed entirely, as far as possible from his כבדך in v. 18.

In v. 18, Moses, misinterpreting the פני of v. 14 in a physical sense, has asked, "Let me see Thy face." Immediately the answer comes back from Yahwe, "Thou art not able to see My face, for man cannot see Me and live." Manifestly these words can have meaning here only as the answer to Moses' request to see Yahwe's face. Otherwise they would have no significance whatsoever. This is in itself final proof, if such be needed, that v. 18 must have read פניך originally for the present כבדך. That פנים is used here, and consequently also in v. 18 in its purely physical connotation, is proved by the continuation of the narrative in v. 23, where Yahwe's face, the part of Him which may not be seen by mortals, is contrasted with His back, the part of

Him which may be seen, at least by Moses. But it is equally clear that פני in v. 14 has not this physical connotation at all, but an altogether different meaning, and that with his first, hasty, impulsive, unreasoned thought, Moses has misunderstood the term פני.

So Moses' request cannot be granted; he cannot behold Yahwe's face, as he has desired. Nevertheless Yahwe will do as much for Moses as possible, and grant as much of his request as He is physically able to do. The continuation of v. 20, is, as has been said, v. 19a. But here, too, as well as in 19b, the hand of the redactor is readily apparent. The present MT reads, "And I, I will cause all My goodness to pass before thee, and I will call upon (?) the name of Yahwe before thee," ואני אעביר כל טובי על פניך וקראתי בשם יהוה לפניך. In the first place, the use of the late אני, characteristic of J2 and P is suspicious; it undoubtedly indicates revision by either the J2 or the Priestly redactor of the original text. Even more suspicious is the use of the colorless and altogether late theological term טוב. LXX reads, *'Εγὼ παρελεύσομαι πρότερός σου τῇ δόξῃ μου*; this probably represents a Hebrew אני אֶעֱבֹר על פניך בכבדי; and that this reading or one closely similar to it, must have stood in the Hebrew text, is proved by בעבר כבדי of v. 22. Manifestly כל טובי here is a very late and altogether theological substitute for an earlier כבדי. But even this reading כבדי cannot be original; it must be the result of a late, Priestly attempt to reduce as much as possible an objectionable anthropomorphism in the original text, just as the Priestly כבדך in v. 18 serves the same purpose.

What the original text must have been, it is not difficult to determine. In the first place, it is significant that instead of using the *Hif'il*, אַעֲבִיר, as here, v. 22 uses the plain *Ḳal*, עֲבֹר. Moreover the *Ḳal* is used everywhere else, in v. 22b and in 34.6. Obviously the (כבדי or) אני אעביר כל טובי of v. 20 is a late, Priestly substitute for the original and extremely anthropomorphic, אֶעֱבֹר, or perhaps more fully אנכי אֶעֱבֹר.

Moreover, v. 19ab presents a seeming thought which a moment's consideration shows must be in itself altogether meaningless, and can only be the result of a modification or mutilation of the original reading. What sense can it have, that Yahwe should pass before Moses and call upon[22] the name of Yahwe? What in all the world can be the meaning of the statement that Yahwe will call upon His own name? Here LXX, while not entirely solving the problem, at least puts us on the right track. It reads *καὶ λαλήσω ἐπὶ τῷ ὀνόματί μου κύριος ἐναντὶον σου.* In other words, it reads in Hebrew וקראתי בשמי יהוה לפניך, "And I will call upon My name, Yahwe, before thee." This, however, has helped in the solution of our problem only a little, and has not at all answered the question, what can it mean, that Yahwe should call upon His own name? Moreover, in the Hebrew text, as reconstructed from LXX, the presence of יהוה alongside of and seemingly in apposition with שמי, is, to say the least, awkward.

All these difficulties are obviated and a positive and significant meaning is given to the verse by three slight emendations of MT; the omission of יהוה and of the preposition ב in בשם, and the change of the resultant שם to שמי as LXX has it. This part of the verse will consequently read, וקראתי שמי לפניך, "And I will call out My name before thee." That this is the correct restoration of the original text is proved by the fact that, as we shall see, this is actually what does happen. Ex. 34,6 tells explicitly that, just as He has promised here, Yahwe passes before Moses and calls out His name before him. Accordingly we conclude that v. 19a must have read originally, (אנכי) אעבר על פניך וקראתי שמי לפניך.

The implication of all this is that Moses does not yet know the true name of this Deity with whom he is conversing, and that Yahwe now prepares to reveal His true name to Moses for the first time. In other words, we have here, very obviously, an account of the revelation to Moses of the hitherto unknown divine name Yahwe, parallel to the E account of the same incident in Ex. 3.15 and the P account in Ex. 6.2, and likewise independent of the J traditions that the name Yahwe was known already to Abraham,[23] or even to the generation of Sheth.[24] In other words, this narrative tells that, although Yahwe cannot allow Moses to see His face, He will still do for him all that He can; He will pass before him, and will, as the story goes on to say, make it possible for Moses to see His back, and He will also reveal to Moses His true name, hitherto unknown.[25]

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[22] ?, or perhaps "worship," cf. קרא ב׳ in Gen. 12, 8 and *passim.*

[23] Gen. 12.8.

[24] Gen. 4.26.

Yahwe then gives, in vv. 21–23, the details of the procedure. He says to Moses, "Behold here is a standing-place with Me, and you shall take your place upon the mountain. And when I pass by, I will put you in the cave of the mountain, and I will cover My hand over you, until I shall have passed by. Then I will remove My hand, and you shall see My back, but My face shall remain unseen."

In v. 21, מקום must be understood in its simplest etymological meaning, "a place to stand."[26] The use of the article with צור is significant; צור here means, not so much "rock," as "mountain;"[27] and the use of the article probably indicates that in the preceding and now missing portions of the K document, this mountain had been referred to so specifically that the article here was necessitated; as we shall see, it was the well-known mountain upon which Yahwe was thought to dwell.

In v. 22 for the present בעבר כבדי the original must have read, as we saw above, בעברי. In fact, we still find עברי in v. 22b. Manifestly the redactors carelessly forgot to make their customary emendation here, and so allowed the original עברי to stand. The fact that נקרת הצור is determined is significant. It is not that it is any chance cave or cleft upon the mountain, but a certain, definite cave. Of this cave we shall hear more specifically later. In this cave Yahwe will place Moses, and while He passes by will cover the mouth of the cave with His hand. Then when He will have passed by, and in consequence His back will be turned toward the cave, He will remove His hand, and Moses, standing in the mouth of the cave, will be able to see His back, while His face will remain unseen. Such is the entire procedure.

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[25] Not impossibly the י in the original שמי, may have come to be regarded in time as an abbreviation for יהוה; then the resultant שם יהוה would almost of necessity require the preposition ב to give it meaning; in this way the present text, וקראתי בשם יהוה לפניך, may have arisen. Or it may be equally well that in order to harmonize this passage with the tradition that the name Yahwe was known from of old, or at least had been revealed to Moses long before this, as both the E and P documents record, the original text here was purposely modified or mutilated into the form in which MT now has it.

[26] Cf. Barth, *Nominalbildung*,[2] 240ff.

[27] So also Ibn Ezra to this passage.

The original narrative of the K document probably went on to tell, doubtless quite briefly, how Moses, obeying Yahwe's command, took his place in the mouth of the cave upon the top of the mountain. This has, however, been suppressed by the J2 redactors in favor of the amplified J passage in Ex. 34.1–5. The original K narrative is resumed in v. 6. That there is a distinct break between vv. 5 and 6 a moment's consideration will show. V. 5 tells that Yahwe descends in Moses' presence from heaven in the cloud, in the manner characteristic of the J literary style and theology. The subject of ויתיצב in v. 5aβ is undoubtedly Moses; the use of the *Hiṯpa'el* here, in place of the *Nif'al*, as in Ex. 33.21, is striking, and perhaps further indication of variant authorship. The subject of ויקרא in v. 5b can be only Moses,[28] and the passage can mean only, "And he (Moses) called upon the name of (i.e. worshiped) Yahwe." But this is not at all what 33.19 has promised. There it states explicitly, as we have seen, that Yahwe Himself will call out, or call upon His own name. The reading here, ויקרא בשם יהוה, with Moses impliedly the subject of the verb in place of Yahwe, accords with our previous conclusion that 33.19aβ read originally וקראתי שמי לפניך, and that the present reading there, as well as the corresponding expression in 34.5b is the result of J2 redaction. Obviously these J2 redactors sought to suppress the motive of another, independent revelation of the divine name Yahwe, contained in the K document, by the insertion of the preposition ב before שם, and the endeavor to change the subject of the verb from Yahwe to Moses.

In significant contrast to all this, v. 6 tells just what we expect to hear, that Yahwe passes before Moses, and calls out before him His true name, Yahwe. This verse obviously resumes the original K narrative. And in this verse, the first יהוה must clearly be the subject, not only of ויעבר, but also of ויקרא, while the second as well as the third יהוה must equally obviously be the object of ויקרא.[29] Only interpreted thus, can this verse agree with and carry out the promise of Yahwe to Moses in 33.19–23, that He will pass before Moses and call out His true name before him. To consider an understood משה as the subject of ויקרא, as is usually done, and as was seemingly intended by the J2 redactor here,[30] may have been regarded by him as a theological necessity, but it is certainly a linguistic and literary monstrosity, while at the same time it utterly misdirects and destroys what is obviously one of the main points of the original narrative, and also needlessly repeats the thought of v. 5b.

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[28] However, Num. 14.17f., a late J2 passage clearly dependent upon this, makes Yahwe the subject of ויקרא, and by implication also then of ויתיצב; so also Ibn Ezra to this passage.

The remainder of v.6 and all of v.7 manifestly constitute a purely theological insertion by the J2 or even some later redactor. This lengthy statement of the attributes of the Deity does not at all accord with the statement of 33.19 that while He is passing before Moses, Yahwe will call out His true name before him. What we expect from that statement is exactly what we have when this long list of attributes is omitted, viz. the simple pronouncement of the divine name Yahwe, just as we have it in the parallel E and P narratives in Ex. 3 and 6. This long list of attributes does not fit at all into Yahwe's own mouth even despite Num. 14.17f.; but if we understand that J2 redactors sought to construe an unexpressed משה as the subject of ויקרא in 34.5 and again in 34.6, and also inserted the preposition ב before שם in 33.19 and again therefore in 34.5, we can well understand the significance of this passage. Manifestly for J2 redactors just the solemn pronouncement of the divine name and the recitation of these divine attributes constituted the ritual act connoted by the expression קרא בשם יהוה.

Moreover the theological implication of these attributes by no means fits the early date at which, we shall see, the original K document was composed. It accords with the theology of the later prophets who followed Jeremiah and taught that Yahwe was long-suffering and of abundant kindness to His people, and ever ready to forgive their sins, for His name's sake or some other equally cogent cause, even though through their own repentance or other merits they may not have actually deserved such grace.[31]

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[29] Saadya, as quoted by Ibn Ezra to this passage, held that the second יהוה was the subject of ויקרא, and the third יהוה the object. Ibn Ezra, however, rejects this interpretation in favor of one practically identical with that which I have offered.

[30] Though not in Num. 14.17f.

34,6b and 7 therefore must be regarded as the work of the J2 redactor, or perhaps in part of some even later writer. Clearly they take the place of the short statement of the original K document that, as Yahwe passed by, He placed His hand over the mouth of the cave, in which Moses stood, and then, when He had passed by, and had called out His name, He removed His hand and thus enabled Moses to see His back, while His face remained unseen, even as He had promised.

The continuation of the original narrative of the K document is, of course, v.8. Awed by the vision which he has just beheld, and the sound of the divine name, which he has just heard for the first time, Moses prostrates himself upon the ground and adores this august Deity.

V.9 in its present form is obviously the work of J2. The expression מצאתי חן בעיניך in *a*, as well as the entire phraseology and thought of *b* indicate this. Moreover the plea of Moses that, even though Israel is a hard-necked people, none the less Yahwe ought to accompany them and forgive them and regard them as His peculiar possession, is characteristic of J2, but altogether out of accord with the thought of K. For it implies that Israel is already Yahwe's people and therefore has a potent and undeniable claim upon Him for guidance and care and even for forgiveness, whereas, according to K on the other hand, Israel is not yet Yahwe's people, for the covenant between Yahwe and Israel has not yet been established, nor even proposed.

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[31] It is quite likely that this list of attributes is not a unit. Seemingly the statement of v.7b that Yahwe does not hold (sinners) guiltless, but visits the iniquity of the fathers upon the children and the children's children unto the third and fourth generations, contradicts the statement of v.7a that Yahwe pardons iniquity, transgression and sin. Of course these two statements can be harmonized easily enough by theological reservations and dialectics; but on the face of it 7b does seem to contradict 7a absolutely. It is quite likely, therefore, that the original J2 list of attributes ended with 7a, and that 7b was appended still later by some zealous dissenter, who refused to subscribe to the doctrine expressed in 7a of God's boundless love and pardoning grace, but insisted upon the opposite doctrine of divine retribution. Perhaps he was the same J2 redactor who repeated this passage almost verbatim in Num. 14.18. This is in part the same doctrine that is expressed in Ex. 20.5, but with an altogether different and more logical and restricted application. Clearly the expression of this thought in 34.7b is later than and dependent upon 20.5. Our hypothesis, that 34.7b is a late addition, designed to qualify the direct and broad expression of divine love, grace and pardon of 7a, therefore becomes increasingly probable.

However, the last word of this verse, וּנְחַלְתָּנוּ, seems to have a particular significance. The verb נחל has a twofold meaning, (a) to enter upon or take possession of something, and (b) to have or hold possession of something. Ordinarily the difference between these two meanings is slight and of no particular import. But such is not the case here. Of course the verb might mean here, "And do Thou have us," or "keep us as Thy possession," i.e. "do not cast us off from being Thy people, because of the sin which we have committed." Probably just this is the sense which the J2 redactor meant this verse to convey, for it is exactly the same thought which he has expressed previously with much the same argument in 33.13b. But equally well ונחלתנו could mean, "And do Thou take us as Thy possession," and so imply that Israel was not Yahwe's people, and that Moses now requests Yahwe to take Israel to Himself as such. Assuredly this was not the thought of the J2 redactor. But with almost equal assurance we may infer that v.9 in its present form is the J2 substitute for a verse or passage of the original K document, in which Moses made this very request, that Yahwe now take Israel as His people, and that perhaps ונחלתנו here was taken over directly from the original K verse. There, of course, it could have had only the meaning, "And do Thou take us as Thy possession."

For v.10 is obviously Yahwe's answer to just such a request of Moses. Israel is not yet Yahwe's people, but עמך, "thy people," Moses' people, the people whom he had brought up from Egypt, just as in 33.1a. Now for the first time Yahwe proposes, presumably in answer to Moses' request, to make a covenant with Moses' people, a covenant by which they will now become His people and come under His direct and constant protection and enter into His worship. It is a further instance of the condescension and kindness which Yahwe has already shown Moses. He has promised, at Moses' request, that His *Panim* shall lead Israel on the remainder of its journey. He has revealed to Moses His divine name and permitted him to catch a fleeting glimpse of His back. And now He takes Moses' people as His people and expresses His willingness to enter into a covenant relation with them. Manifestly the thought of v.10aα is in full accord with the course of the K narrative, and indicates quite conclusively that this brief passage is an integral part of the original K document. This conclusion is confirmed by the use of אנכי in this passage, in place of אני, the form of the pronoun which, we have found, was used regularly by the J2 redactor,[32] and which is even used again by him in his continuation of this very verse.

That v. 10aβb is the work of the J2 redactor is proved likewise by the use of the word ברא; for, with the possible exception of Amos 4.13, ברא is not used by any Biblical writer earlier than Jeremiah[33]; and Amos 4.13 is generally regarded by Biblical scholars as a late addition to the prophet's actual message. Moreover the thought of v. 10aβb is too diffuse and out of harmony with the narrative of the original K document; for we expect here, not the present vaunting boast about the miraculous things which Yahwe is about to do in all the earth, but a simple statement to the effect that Yahwe will bless Israel, now about to become His people, and bring them to a good land in which they may dwell in safety, and protect and prosper them ever thereafter. In all likelihood the present v. 10aβb is the substitute for some such statement which stood in the original K document. It was suppressed by the J2 redactor in his endeavor to represent this, not as a new covenant, nor as an independent account of the old covenant, but merely as a happening incidental or supplementary to the J account of the solemnizing of the covenant between Yahwe and Israel.

V. 11a, however, is again undoubtedly a part of the original K. This is indicated both by the use of אנכי and by the singular appropriateness of the thought of this half verse to that of the original K document at just this particular point. For after Yahwe has informed Moses that He will make a covenant with Israel, naturally upon the basis of a body of laws setting forth the fundamental principles of the worship of Him by Israel, it is to be expected that the statement of these laws should be preceded by a charge to Israel to observe these laws punctiliously.

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[32] Cf. 33.16,19.

[33] 31.21.

But with equal certainty vv. 11b–13 are not K, but the work of some Deuteronomic redactor. Both the language and thought are characteristically Deuteronomic. In particular the mention of the six nations, which, in itself might be either J2 or D, and the command not to make a covenant with the pre-Israelite inhabitants of Palestine, but instead to throw down their altars, to shatter their sacred pillars, and to cut down their Asheras, are unmistakably indicative of Deuteronomic glossation.[34] It can be easily demonstrated that, for perfectly obvious reasons, Deuteronomic writers manifested a keen interest in all Biblical legislation earlier than the Deuteronomic Code and took far-reaching liberties in the way of glossation, and even of occasional revision and supplementation, of these earlier laws. We shall have convincing evidence of this in our discussion of the laws of the K document.

Moreover, the command in vv. 11b–13 not to make a covenant with the inhabitants of the land is illogical and even meaningless without first a definite statement of what land it is to which Yahwe refers. Such a statement has not yet been made in the K document; for, as we shall see, even in the lost passage for which v. 10aβb is the J2 substitute, the promise was apparently made in only the most general terms, that Yahwe would bring Israel to a good land, without, however, specifying what land this would be. But in the later J and E documents references to Canaan as the land promised from of old to Israel by Yahwe are so frequent, that the reference here to the inhabitants of the land by the Deuteronomic glossator is perfectly natural. This is final proof, if such be needed, that vv. 11b–13 must be secondary.

The immediate continuation of v.11a in the original K document was, as was to be expected, the statement of the first and presumably the most fundamental law of the worship of Yahwe by Israel. This we find in v.14a. The introductory כי is, of course, redactorial, necessitated by the insertion of vv. 11b–13 between v. 11a and v. 14a. After this first law the other laws followed in uninterrupted succession in the original K document. Inasmuch, however, as the analysis of the present text of these laws in vv. 14–26 is attended by peculiar difficulties, and really constitutes in itself a problem in most respects independent of the analysis of the narrative portions of the K document, it will be well to defer its detailed consideration until later.

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[34] Cf. Deut. 7.1–5; 12.1–3.

Following, in the K document, the statement of the laws now found in vv. 14–26, came Yahwe's command to Moses, in v.27, to write these laws down as the permanent record of the covenant which He is making with Moses and Israel. V.28a is undoubtedly J2, for the reference to the forty days and nights upon the mountain and Moses not eating during this period, is manifestly late and not original, and comes certainly from J2. In the original K narrative there was no obvious motive for such a long sojourn by Moses upon the mountain. Instead the implication of 33.1a and 12a seems to be that Yahwe had commanded Israel's immediate departure from the mountain; and there is not the slightest implication that the making of the covenant had influenced Him in any way to change His decision in this respect. Furthermore, in v.28b the words על הלחת are in all probability editorial, inserted to harmonize the original K narrative as far as possible with the J2 insertion of vv.1–5.

But whether the remaining words of v.28b, ויכתב את דברי הברית עשרת הדברים, were integral in the K document or are editorial, is a difficult question. The weight of evidence, however, seems to favor the conclusion that in the main they do come from the original K document. For, on the one hand, we would expect to find at this point in the K document just what these words do offer, a statement that Moses obeyed God's command and wrote down the laws, either on tablets, or more probably upon a scroll, just as in Ex. 24.4 and 7. And on the other hand, a simple computation shows that 34.14–26, to say nothing of vv. 11b–13, contains certainly not ten laws, but either twelve, thirteen or fourteen, according to the manner of computation.[35] It follows therefore that the statement of v.28b that these laws are ten in number either has no significance whatsoever and is a very late editorial gloss,[36] or it records what may have been the actual number of laws in the original K document, and indicates, moreover, that these have been amplified by later additional laws and possibly also by rearrangement of the original laws. Only the complete analysis of these laws can determine which alternative is correct, and at the same time establish whether v.28b was a part of the original K document or not.[37]

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[35] If vv.19–20 be counted as one law, the total number of laws will be twelve; but if v.19 be counted as one law and v.20 as a separate law, the number will be thirteen; and if v.20a be counted as one law and 20b as a separate law, the number will be fourteen.

As I have shown elsewhere,[38] vv. 29–35 have no connection whatsoever with the K document. They are a piece of J2 writing, worked over and partially reinterpreted by a later Priestly editor. They were probably a J2 substitution for a passage of the original K document, presumably of rather brief extent, which told how Moses informed the people of Yahwe's decision to make a covenant with them and to take them as His people and bring them to a good land, and of his reading to them the laws of the covenant which he had written down at Yahwe's bidding. Thereupon must have followed the account of the solemnization of this covenant by the people. Without this there would have been an altogether incomprehensible lacuna in the K narrative. This whole account of the solemnization of this covenant, in all likelihood, paralleled closely the similar account preserved in Ex. 24.3–8. This account, we shall see in the proper place, belongs to the Book of the Covenant, a document which has manifestly close relationship to K.

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[36] Designed to harmonize this account of the giving of the law with that of the giving of the ten commandments in Ex. 20.1–17, by representing this as merely the repetition of those laws, after the breaking of the first tablets, just as the J2 editor of 34.1–5 attempted to do. But in such case the simplest and most intelligent procedure would have been to make no mention of the "ten commandments" here, since such mention was in no wise necessary, and any reader could see that it did not tally with the actual number of laws in the final form of this code, as we find it at present in vv.14–26.

[37] Cf. below, pp. 96ff.

[38] "Moses With The Shining Face," *HUCA*, II (1925), 1–27.

III

SUMMARY.

Here we may pause profitably for a moment in order to take stock of the results gained and to analyze further the contents of the original K document, as we have reconstructed it thus far.

It is clear that what we have here is only a fragment of the original document, and that the remainder has been suppressed by the J2 redactor in favor of the undoubtedly closely parallel narrative of the J code. But what is preserved here is the very nucleus and heart of the original K document, containing as it does the K account of the establishment of the covenant between Yahwe and Israel upon the basis of the laws of Ex. 34. Previous to this Israel was not yet Yahwe's people. Moses, apparently, stood in a certain relation to this Deity, although it was not sufficiently close for Moses to have been made acquainted with the Deity's true name. Upon what grounds this previous relationship of Moses with Yahwe rested, will be determined later.

The missing portion of the narrative had told how Moses had brought Israel up from Egypt, through the desert, unto this mountain. This he was competent to do, as we have seen, because he must have made this double journey from Egypt to this mountain and then back again, at least once before. Moreover, Moses had brought the people to this mountain, not by chance, but purposely. It had been the fixed goal of his journey from the moment when he, with the people, had come forth from Egypt.

Now why should Moses have purposed thus to bring Israel all the way from Egypt, through the desert, to this mountain? Apparently it was a barren peak in the midst of a sterile wilderness, and it was almost a foregone conclusion that it could not be a permanent home for Israel. Why then should Moses have troubled to come to this barren mountain at all? We may surmise that perhaps it was because this was the only road through the desert which Moses knew; therefore he led the people as far as he could, and trusted to chance or something else, that they would be enabled to journey in safety onward from this mountain until they should at last arrive at and settle down in some land suitable for permanent habitation. Undoubtedly there would be a certain measure of truth in this assumption.

But far more probably Moses had a different and a larger and more immediate purpose in deliberately bringing the people all the long and painful journey through this desert unto this mountain. Manifestly it was no ordinary mountain. In Num. 10.33a, which, we shall see, is a part of the K document, this mountain is called explicitly הר יהוה, "the mountain of Yahwe." It could have borne this name for only one reason, viz. because Yahwe was thought to dwell upon it. It must have been at, or in the immediate vicinity of, this mountain that Moses had himself personally come into previous contact with Yahwe, and now, quite plainly, he brings Israel to this mountain purposely, no doubt hoping and expecting that in some way he will be able to bring Israel under the protection of this Deity, who dwells upon this mountain.

This conception of Yahwe originally dwelling upon a sacred mountain in the desert is by no means new or strange in the history of the religion of Israel. That it is a basic idea in the E code is clear from the E narrative of Ex. 3.[39] Moreover in I Ki. 19, as we shall see, we again have the idea expressed very clearly, that Yahwe dwells upon a mountain in the desert, which is there, following the E terminology, called Horeb.

Then, after Moses has brought the people to this mountain, for some reason, in all likelihood connected with some unconscious and involuntary violation of the ritual sanctity of the place, probably stated in the original K document, but now lost, since that portion has been suppressed by the J2 redactor in favor of the story of the golden calf in Ex. 32, Yahwe commands Moses to lead the people whom he had brought up from Egypt away from the mountain. Apparently Moses' hopes and plans have failed.

[39] Cf. my "The Elohist Narrative in Exodus 3.1–15," *AJSL*, XXXVII (1921), 242–262. Also from the use of the term הר האלהים in Ex. 18.6 and from the epithet שכני סנה in Dt. 33.16; for, as Ex. 3. 1–4 shows, this סנה was conceived of as being upon a certain mountain in the desert. Furthermore, Deut. 33.2 and Jud. 5.4 likewise represent Yahwe as dwelling originally, not in Canaan, but in the desert of Sinai and in Edom, and as coming actually from Sinai and Mt. Paran.

He asks of Yahwe a guide through the desert beyond the mountain, since he himself is no longer competent to lead the people, for the country beyond the mountain is entirely unknown to him. In response Yahwe promises that His *Panim* shall lead the people and relieve Moses of that grievous burden and responsibility. Moses at first misunderstands this term *Panim*, fails to realize that it is a technical term, a title, and interprets it in its ordinary physical sense. And so he asks, "Let me see Thy face." But immediately the answer comes back, "Thou canst not see My face, for no man can see My face and live." Nevertheless, Yahwe will make a further concession to Moses' importunity. Though Moses cannot behold His face, Yahwe will still permit him to see His back, and will also reveal unto him His true, divine name, hitherto entirely unknown to Moses. And so at Yahwe's bidding, Moses takes his stand in the cave upon the mountain. Yahwe covers the mouth of the cave with His hand as He passes by. Then when He has passed on, He removes His hand and Moses catches a glimpse of His back, while His face remains unseen. And at the same time Yahwe calls out His true name before Moses.

Awed by all this Moses prostrates himself before Yahwe. But still he persists in urging his final petition. What this may have been we can easily surmise, even though the statement of the original K document here has been suppressed in favor of the J2 statement of 34.9. There Moses again urges Yahwe to accompany Israel upon its journey from this mountain. It is the same petition which J2 represents Moses as making in 33.15–16. But this petition could not possibly have stood in the K narrative, for it would have been illogical to have proposed that Yahwe leave His sacred mountain and accompany the people on its journey, without having first established the logical basis for such a petition and claim, viz. a covenant between Yahwe and Israel. Probably in the original K document what stood here was the urgent petition of Moses to Yahwe to enter into covenant relation with Israel. In fact just this seems to be implied in the use of the participle כֹּרֵת in Ex. 34.10a. At any rate, the K narrative now continues with Yahwe's promise or consent to establish such a covenant. He will be Israel's God and will agree to protect and care for Israel, and bring it to a good land where it might dwell forever in peace and plenty; and in return Israel must obligate itself to worship Yahwe, and Him alone, in accordance with the principles of His worship as set forth in the laws which Yahwe now reveals to Moses. At Yahwe's bidding, Moses writes down these laws, in order, manifestly, that he may report them exactly to the people and also to preserve them for future reference. Then must have followed in the K narrative the account of the acceptance by Israel of these laws and the solemnization of the covenant between Yahwe and the people. And finally, as we shall see, there must have been the account of Israel's journey from the sacred mountain, led by Yahwe's *Panim*, and their final approach to, conquest of, and settlement in the good land, which Yahwe had promised to them as a part of the obligation imposed upon Him by the terms of the covenant. With this the K narrative and document may well have ended.

Now, in this narrative as we have reconstructed it thus far, several significant facts stand out.

First there is the fact of Yahwe Himself. He is here depicted as dwelling upon a certain mountain out in the desert. Apparently He is inseparably associated with this mountain; it is His permanent and unchangeable abode; for the story implies very clearly, even without the J2 amplifications, that when Israel finally does journey away from the mountain, under the leadership of the *Panim*, Yahwe Himself does not accompany them, but remains behind upon His mountain, just as He had been before Israel's advent thither. For had the original K narrative not told, or at least implied, just this, the J2 revision could never have related that Moses twice urged Yahwe to journey along in Israel's midst; for the J code proper told consistently that Yahwe was not at all bound to a single desert mountain upon which He dwelt, but rather that He dwelt on high, apparently in heaven, and only descended from there occasionally in the form of the pillar of cloud to confer with Moses at the door of the "Tent of Meeting," and that He Himself was present with and led Israel on the entire desert journey from the Red Sea onward in the form of the pillar of cloud by day and the pillar of fire by night. Clearly the original K document must have told, and it must have told it very positively and explicitly, that this mountain in the desert was Yahwe's permanent abode, and that even after Israel, now His people, by reason of the covenant between them, had journeyed onward, He continued to dwell upon His sacred mountain.

Even more significant is the conception of Yahwe which is expressed in this K document. He has a face, a back, a hand, a voice and a name. He passes by the cave in a purely physical manner, and, so that Moses may not behold His face, He covers the mouth of the cave with His hand. Very clearly Yahwe is here depicted in human form. It is perhaps the most thorough-going anthropomorphic representation of the Deity that we find in the entire Bible; perhaps the only other picture which may be compared to it in this respect is that in Gen. 3.8, of Yahwe walking in His pleasure garden in the cool part of the day. Moreover Yahwe is here represented not only in human form, but also in human form of gigantic size, since His hand is sufficiently large to cover the mouth of the cave in which Moses is standing. But apparently this human shape is inseparably associated with Yahwe, and He is powerless to change it at will for some other form less anthropomorphic and material, such as the pillar of cloud or fire of J or the *K^{e}bod Yahwe* of P; for when He wishes to reveal Himself to Moses, and yet at the same time keep His face hidden, the only procedure possible is purely physical, to cover Moses' eyes with His hand as he passes by, and then, when His face is no longer turned in Moses' direction, to remove His hand and let Moses catch a glimpse of His receding back, while His face remains at the same time invisible.

Just why Yahwe's face may not be looked upon by mortals and why to do so means death, is not told; only the bald fact is stated, and we can only guess at the probable reason. Ex. 34, 29–35 implies that the reason for this was because of the unbearable radiance emanating from Yahwe's face. But, as we have shown, these verses are not at all a part of the original K document, but are the work of J2, amplified by a later Priestly writer. And furthermore, the very thought of these verses contradicts the statement of the K narrative that Moses could not and did not see Yahwe's face, for they tell, or at least imply very clearly and positively, that the dazzling radiance of Moses' face, upon which Israel might not gaze, had been imparted to it by reflection from Yahwe's face, upon which Moses must therefore have gazed, according to this J2 account, while conferring with Yahwe. We must, therefore, infer that the reason implied in 34.29–35, that Moses could not look upon Yahwe's face, viz. because of the blinding and killing radiance emanating from it, was not necessarily, and probably not at all, the reason conceived of by the authors of the K document for Yahwe's face being invisible to mortals. Possibly there was some idea of primitive taboo connected with it, but what this taboo may have been, we cannot even imagine.

Significant also is the account here of the revelation of the divine name Yahwe. The implication is clear that, according to the K narrative, Moses did not know and had never before heard the actual name of this Deity of the mountain. Manifestly this is the K parallel to the Elohist account of the revelation of the divine name in Ex. 3, the Priestly account in Ex. 6, and the J conception of the divine name having been known since the time of Abraham[40] or even since the time of Sheth.[41] The K account here agrees with the accounts of both E and P that the divine name Yahwe was first revealed to Israel through Moses, and that before this time Israel had not known this name. It goes, however, one step beyond both E and P in this connection, and states very positively that not only had Israel not known the name of Yahwe before this, but furthermore, not having known the name, it could also not have worshiped Yahwe in any way before this time. In this the K document is far more logical than either E or P, and also in far greater conformity with the fundamental principle of Semitic religion, that not until the true name of a deity is known can sacrifices and supplications be directed to him and his worship begin. And it is also more logical and consistent than these two documents in representing the revelation of the divine name, with its implication of the beginning of the worship of Yahwe, as immediately preceding the making of the covenant between Yahwe and Israel, and as the step indispensably requisite to the establishment of this covenant, whereas both E and P

[40] Gen. 12.7.

[41] Gen. 4.26.

represent the revelation to Moses of the name Yahwe as having been made before he went down to Egypt and several months before the solemnization of the covenant between Yahwe and Israel at Horeb-Sinai. That the Elohist writers felt the logic and the imperative need of a statement or re-statement of the divine name as the immediate precursor and natural introduction to the solemnization of the covenant and the declaration of the principles of the worship of Yahwe by Israel, is evidenced by the formal repetition, seemingly as an official and conventional act, of the name Yahwe in Ex. 20.2, immediately preceding the Ten Commandments. Quite obviously the K account of the revelation of the divine name is more natural and logical, and presumably therefore also more original, than either the E or P account.

Of equal interest and significance is the cave upon the mountain. As has been said, it is not *a* cave, a chance cave, in which Yahwe places Moses, used for this one occasion alone. It is *the* cave, the well-known cave, "the cave of the mountain," apparently used regularly for some definite purpose. This cave is not the particular dwelling-place of Yahwe, for Yahwe does not come out of it nor go into it. Instead He passes by in the open space in front of the cave, while Moses, awaiting the vision of Yahwe's back and the revelation of the divine name, and whatever additional message Yahwe may choose to impart, stands in the mouth of the cave. What could this cave have been, and what purpose could it have served?

Additional light will be thrown upon this problem, and the interpretation of the K narrative, as we have reconstructed it, will be strikingly confirmed by a careful analysis of I Ki. 19.3–14.

IV

I KINGS 19.3–14.

In this chapter the first thing which strikes one is the fact that vv. 9b–11aα offer an unnecessary and tautological duplication of vv. 13aβ–14. Moreover vv. 9b–11aα are improperly placed, come entirely too early in the narrative, while vv. 13aβ–14 are in their logical and proper position. Accordingly practically all scholars have, undoubtedly correctly, held these verses to be secondary.[42]

But if these verses be secondary, and so indicate late revision of the chapter, the possibility exists that other passages in the chapter may likewise be secondary. Now in this chapter the one thing that immediately arrests the attention of almost every reader is the remarkable theophany described here, with the wind, the earthquake and the fire as the majestic precursors of Yahwe; and then follows the sound of the soft whisper. The actual meaning of this last detail is uncertain. Does it mean that this soft whisper is Yahwe Himself, that, in other words, Yahwe is here depicted in a manner so ultra-spiritualized, that in this respect it far surpasses anything else in the entire Bible; Yahwe so spiritual that He has not even the vaguest and thinnest form and substance, but is only a whisper? Not even the *K^{e}bod Yahwe* of P, the fiery form enveloped in the cloud, which, according to P, Yahwe assumed whenever He chose to commune with mortals, a conception self-evidently the product of the strong and positive anti-anthropomorphic principles of the Priestly Code, can compare with this in spirituality. And it would be futile to believe that at the time of Elijah, or even in the century or so immediately thereafter, in which the nucleus of this story must have been written down, a conception of the Deity as spiritual as this could have existed. Certainly we may not interpret this as meaning that this soft whisper is Yahwe Himself, that He is here depicted as a whisper and nothing else.

Presumably, therefore, this whisper is to be regarded as coming from Yahwe. In contrast to the roar, the tumult and the awfulness of the wind, the earthquake and the fire, Yahwe's voice is still and soft; yet this very quality of stillness and softness makes it more impressive and even more awful than the roar of the elements. Even this is indeed a grand and spiritual concept. Yahwe is here represented as the lord of the universe, the master and controller of all the elements. He is not the storm, nor the earthquake nor the fire, nor is He even in them; but He is above them; He controls them, uses them for His own purposes, sends them ahead of Him as the heralds of His coming. This entire picture of Yahwe and the theophany here are conceived in broad and lofty, spiritual lines. But could it actually have been Elijah's conception of Yahwe, or even that of the author of the original form of this chapter, who probably lived within a century or so after the prophet's death?

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[42] Cf. both Benzinger and Kittel to the passage. Both scholars hold that 9–11a, and not merely 9–11aα, are secondary.

In the main, the answer to this question can be only subjective. It is difficult indeed to imagine that before Amos, Hosea or Isaiah such a conception could have existed in Israel, and have found expression so clear-cut and positive, even at the hands of a religious and literary genius. Such a representation of Yahwe as the lord of all the universe, the master of all the forces and elements of nature, we find in no other passage of this earliest period of Hebrew literature. In itself it certainly accords much more perfectly with the universalistic thought and theology of an age considerably later than the 9th or the first half of the 8th centuries B. C.

Moreover a moment's consideration brings to light a certain discrepancy or incongruity, a literary disharmony as it were, which seems to disclose a join or patch but inelegantly or imperfectly executed. If according to v.12 Elijah, still within the cave, hears the whispering voice of Yahwe, we expect to learn then and there the words which Yahwe is speaking to him at that moment. But instead, v.13 goes on to tell that when Elijah hears, though it does not tell what he hears, he first wraps his face in his mantle and then goes out and stands at the entrance of the cave, and only then does Yahwe speak to him. In other words, in its present context, the reference to the whispering voice comes a bit too soon. The narrative would have been more logically consecutive had it told that, attracted by the wind, the earthquake and the fire, which he recognizes as the precursors of Yahwe's coming, Elijah covered his face with his mantle, and went and stood at the entrance of the cave, and only then and there did he hear the soft, whispering voice of Yahwe speaking to him, "What dost thou here, Elijah?" And actually just this is what v.13b does tell. There again we read that a voice calls to Elijah and asks, "What dost thou here, Elijah?" It is noteworthy that the article is omitted here, that it is *a* voice, and not *the* voice, not the "still, small voice" of v.12b; for had it been this, the article would have been absolutely indispensable. Unquestionably the soft whisper is a secondary element in this narrative, along with the wind, the earthquake and the fire.

Moreover, it is noteworthy that when we omit the entire reference to the three elements and the soft whisper we get a simple and straightforward account of the theophany, with all the romantic and spiritualizing elements removed, it is true, but likewise with the above-cited disharmony completely obviated, and the whole altogether in accord with what was in all likelihood, the thought and theology of Elijah's own day and of the period immediately following. The resultant text, beginning with v.9a would then read; ויבא שם אל המערה וילן שם: והנה יהוה עבר.... ויהי כשמע אליהו וילט פניו באדרתו ויצא ויעמד פתח המערה והנה אליו קול ויאמר מה לך פה אליהו: ויאמר קנא קנאתי ליהוה כי עזבו בריתך בני ישראל. Nothing could be simpler, more complete and more direct than this. And with this as the original text, it can be readily seen how easily the passage could have been expanded to its present form by the insertion of vv. 9b–11aα and 11aγ–12.

It is clear that this theophany here bears a striking resemblance, complete in practically every essential detail, to the theophany of the K document as we have reconstructed it.

In the first place, the question arises, why does Elijah make this long and arduous journey through the desert to this mountain? The answer is simple. With his life endangered by Jezebel's ceaseless persecution, discouraged and despairing of the success of his prophetic labors, Elijah feels the need of communing directly with Yahwe. How can this be done? In only one way. Again the procedure is purely and primitively physical. He goes directly to the mountain out in the desert, where, as he believed still in his day, Yahwe was actually dwelling. For Elijah Yahwe had not yet taken up His abode in the Temple at Jerusalem, nor even in the land of Canaan. He still resided on His sacred mountain in the desert, where Israel had found Him at the time of Moses and the exodus from Egypt. Elijah's point of view is still that of the half-nomadic shepherd from the east of the Jordan, or, as we shall see, of the likewise half-nomadic Kenite or

Rechabite of southern Judah, rather than that of the inhabitant of the settled, agricultural land of Palestine, particularly of the Northern Kingdom of Israel. And just because the Deity is thought to actually dwell upon this mountain, it is called in v.8 הר האלהים, "the mountain of God," the customary Elohist designation, just as the K document, as we shall see, calls it הר יהוה, "the mountain of Yahwe."

The next fact of significance is the cave upon the mountain. Here too, just as in the K document, we have the sacred mountain upon which Yahwe resides, and upon this is the cave. Moreover, here too, just as there, this cave is not the actual spot upon the mountain in which in particular Yahwe dwells, but far rather it is the cave in which the ardent worshiper, awaiting a revelation from the Deity, remains, and at the entrance of which he takes his stand, at the actual moment of revelation, while Yahwe passes by in the open space in front of the entrance to the cave. Furthermore, here too, just as in the K document, this is no chance cave into which Elijah happens to enter in order to pass the night. Here too it is the cave, designated even at its very first mention as *the* cave, with the article, *the* well-known cave. It can hardly be doubted that the cave of the K document and the cave of I Ki. 19 are one and the same.[43]

Moreover, the facts that in both passages the cave is determined, i.e. is indicated to be the well-known cave, and that in both its use is identically the same, viz. as the place in which the expectant worshiper awaits, and at the mouth of which he receives the revelation from Yahwe, justify the inference that this cave was used for this purpose not merely upon these two occasions, but regularly; that, in other words, in the worship of the Deity of this mountain a kind of incubation was regularly practiced. All worshipers who desired direct communion with and revelation from Yahwe would pilgrim to this mountain and there, just as Elijah did, pass the night in the cave. Then, at the proper moment, Yahwe would pass by in the open space before the cave, and the worshiper standing within the entrance of the cave would receive the revelation, just as he desired.[44]

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[43] This, too was the opinion of the Rabbis (cf. *Pesaḥim* 54a) and of the mediaeval Hebrew exegetes, Rashi and Ḳimḥi.

Furthermore, in this narrative Elijah covers his face with his mantle. The reason for this, though not stated, is self-evident. He does this just before he takes his stand at the mouth of the cave, preparatory to receiving the revelation from Yahwe, and just as Yahwe approaches and is about to pass by. Undoubtedly the motive is the same as in the K document; no man may look upon Yahwe's face and live, Elijah no more so than Moses.[45]

But if no man can look upon Yahwe's face, then presumably here, too, we have the underlying conception of Yahwe conceived of in human form, with a face and a voice, and likewise with the other parts and members of a human body, just as in the K narrative.

And finally, here too we have, in v.14, the covenant between Yahwe and Israel, the fundamental obligation of which upon Israel is manifestly that Israel shall worship neither Ba'al nor any god other than Yahwe. We shall see that this was the first law of the K code, and the primary obligation assumed by Israel in entering into covenant with Yahwe, as described in the K document.[46]

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[44] Ralbag, the mediæval Jewish exegete, explains the article in המערה in v.9 by saying that this cave upon the mountain was there, or perhaps better, was known, from of old. It is strange indeed that modern Biblical scholars, apparently without exception, should have ignored completely the presence of the article in המערה in v.9, at the very first mention of the cave. Apparently this cave played a certain role in Mohammedan tradition. As-Sanhûrî tells that the cave of the prophet Shu'eib, i.e. Jethro, lay on the *ḥaġ*-route from Cairo to Mekka, the fifth station after 'Aḳabat Aila, and all told twenty-nine and one-third hours journey from Akaba. (Cf. Flügel, in *ZDMG*, 18 [1864], 529, and Meyer, *Die Israeliten und Ihre Nachbarstämme*, 314.)

[45] Similarly *Pirḳe de Rabbi Eliezer*, 33 tells that no woman could look upon the face of Elisha. Therefore, when addressing him, the Shunamite woman stood in the door of his room, upon the roof of her house, in order that she might not see his face.

[46] Both Benzinger and Kittel would omit בריתך in v.14, and instead read עזבוך, on the ground that LXX omits it entirely in v.10, while in v.14 it read apparently both עזבוך and בריתך. This argument is cogent in a way; but inasmuch as all the other versions as well as MT read only בריתך, and that LXX too has this reading in v.14, it seems better to abide by the reading of MT and

In other words this theophany in I Ki. 19, briefly described though it is, agrees completely in every essential and distinctive detail with the theophany of the K document as we have reconstructed it. In both we have the same sacred mountain in the desert, upon which Yahwe dwells; in both Yahwe is conceived of in human form; in both we have the same, well-known sacred cave upon the mountain in which the worshiper awaits alone,[47] and receives the desired revelation from Yahwe; in both we have the same procedure or technique of revelation; in both the worshiper cannot look upon Yahwe's face and live; in both Yahwe passes by in the open space in front of the cave and calls out His divine word as He passes by; and in both we have the covenant between Yahwe and Israel, the primary obligation of which is that Israel shall worship no other god.

This evidence, furnished by this analysis of I Ki. 19, corroborates fully the interpretation we have given of the theophany of the K document. Unquestionably the two narratives are closely related. The character of this relationship will be determined later.

This much, however, seems certain, that the narrative of the K document tells among other things, how the knowledge of this sacred cave and its use was revealed to Israel. Moses was the first Israelite to have used it in order to secure a revelation from Yahwe. This, however, does not preclude the possibility that it may have been used for the same purpose by members of some other tribe or tribes even before Moses, for already to Moses it is "*the* cave of the mountain." And after Moses this cave continued to be used by chosen devotees of Yahwe in Israel, such as Elijah, who pilgrimed thither in order to commune directly with Yahwe and secure an immediate revelation from Him. And according to both the K and J codes, as we shall see, when Israel journeyed away from the mountain of Yahwe, it took with it the "Tent of Meeting," an artificial reproduction of the sacred cave upon the mountain, in order to enable it to commune directly with its

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retain בריתך. Moreover, the alteration of an original עזבו בריתך to a later עזבוך would be simpler and more comprehensible than the reverse process.

[47] Hence the motive in I Ki. 19.3 that Elijah leaves his personal attendant behind at Beer Sheba and makes the remainder of the journey alone.

Deity and secure revelation from Him. For just as at the sacred cave Moses or Elijah stood in the entrance to the cave, while Yahwe passed by in the open space in front, and while passing revealed His divine message to His devotee, so with the "Tent of Meeting" in the K and J codes, in no wise a place of sacrifice, but only of consultation of the oracle and of revelation, Moses, as the functioning oracular priest, stands in the door of the "Tent of Meeting," while Yahwe descends in the form of the pillar of cloud, and, of course while standing outside the "Tent," converses with Moses, and reveals to him His divine message.[48]

Having thus, by this analysis of I Ki. 19, justified completely our reconstruction and interpretation of the theopany of the K document, we may now return to the latter.

V

NUM. 10. 29–33a.

We have seen that the K document must have told of Yahwe's promise to Moses and Israel to be their God and to prosper them in every way and to bring them at last through the desert unto a good land as the goal of all their journeying. This was His part of the covenant obligation established between them. Moreover, He had promised to send His *Panim* as the guide to lead them onward from the mountain through the desert to the promised land. Obviously the K narrative would have been distinctly incomplete without the account of Yahwe's fulfillment of His promise in at least these two particulars.

We have also seen already that what remains of the K document in the Hexateuch is merely a fragment of what was originally a considerably larger booklet. The greater part of this has been suppressed by the J2 editor who incorporated the remaining portions into the J code. He did this because, in the main, as we shall see, the account of the Exodus and the journey through the wilderness in the two documents were strikingly similar, and to have incorporated the entire K document would have meant only useless and weakening repetition of what was already recorded in the J code. But it may well be that some additional fragments of the original K document have for one reason or another been preserved in the Hexateuch. It is our task now to consider this question.

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[48] For a detailed discussion of this interesting subject, cf. "The Tent of Meeting," *JAOS*, 38 (1918), 125–139.

It is an established and almost universally accepted fact of Biblical Science that Ex. 35.1–Num. 10.28 constitute in their entirety a part of the Priestly Code. Consequently before the composition of the Priestly Code, and its combination with the older codes of the Hexateuch, Num. 10.29 ff. followed immediately upon Ex. 34.35.[49] Now it is significant that Num. 10.29–33a contains a fragment of a narrative which at first glance seems to stand entirely by itself and to have little or no connection with any of the main documents of the Hexateuch.

The narrative tells that Moses turns to Hobab, his brother-in-law,[50] and says, "We are journeying to the place of which Yahwe has said, 'I will give it to you'; come with us, and we will treat thee well, for Yahwe has promised good concerning Israel." But he answered, "I will not go, but I will go unto my land and my birth-place." But Moses said, "Do not leave us, for just because you know how we must encamp in the desert, you shall be unto us as eyes; and if you do go with us, then the good which Yahwe will do unto us we will share with you." Then they journeyed from the mountain of Yahwe for three days.

Here the story breaks off very abruptly. Yet it is not at all difficult to reconstruct its conclusion with great probability, if not with absolute certainty. The story must have gone on to tell that Hobab hearkened to Moses' request and accompanied Israel on its journey and guided it safely through the desert until it reached the goal of its journey, the place which, as Moses said, Yahwe had promised to give them. For, had this not been the sequel of the story, the point of the entire incident here, of Moses inviting Hobab to be their guide, would have been lost completely. And that this was actually the outcome of the story is proved by the fact that two passages, Judges 1.16 and 4.11 tell that the tribe of Hobab, the brother-in-law of Moses, was dwelling with Israel, and in close affiliation with them, although still maintaining its old nomadic or semi-nomadic life. The former passage relates that the Kenites accompanied Judah upon its migration to the entrance into southern Canaan, while the latter passage states that Heber the Kenite had separated from the main body of his tribe, the followers of Hobab, the brother-in-law of Moses, dwelling presumably in the south, and had migrated northward in typical nomad manner, and had pitched his tent near Kedesh-Naphtali. Moreover, I Sam. 15.6 records the tradition that at the time of Israel's exodus from Egypt, the Kenites had shown kindness unto Israel. It does not state what this was, but in the light of the evidence already adduced, there cannot be the slightest doubt that this kindness was just the guidance of Israel through the desert unto the promised land. And from all this evidence we may conclude with absolute certainty that the original narrative in Num. 10.29–33a must have gone on to tell that Hobab allowed himself to be persuaded by Moses' importunities, and that he and his tribe did accompany Moses and Israel on their journey through the desert, and guide them through the to Moses and Israel unknown country lying between the mountain of Yahwe and the promised land; and they were indeed unto Israel, even as Moses had said, eyes in the desert,[51] since they knew the country and its wells and the consequent camping-places.

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[49] Or rather upon the form which this passage had before its revision by Priestly writers: cf. "Moses with the Shining Face," *HUCA*, II (1925), 1–27.

[50] In another work, now in preparation, entitled *Birth, Marriage, Death and Kindred Occasions among the Semites*, I have brought abundant evidence to prove that the original meaning of חתן was "brother-in-law" and not "father-in-law," and that in the K document, unlike the later J and E codes, it still retains its original meaning. Accordingly Hobab was Moses' brother-in-law.

But the question is still unanswered, are these verses, Num. 10.29–33a, a fragment of the original K document? It is clear that they cannot belong to either J, E or P, for they tell that Israel was guided from the mountain of Yahwe to the promised land by Hobab and the Kenites, whereas the P document told that Israel was led by Yahwe Himself in the form of the *K^{e}bod*

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[51] It is interesting to note that Doughty (*Arabia Deserta*, II, 62) says of his Heteymy guides, "They were eyes to me in the desert."

Yahwe; the E document told that Israel was led by the *Mal'ak Yahwe;* and the J document told that Israel was led upon its entire journey from Egypt to the promised land by Yahwe Himself in the form of the pillar of cloud by day and the pillar of fire by night.[52] This fact alone is enough to indicate that these verses can belong to neither J nor E nor P, for they present a contradiction to the narratives and to basic theological principles of all three documents which is absolutely irreconcilable. Either these verses must stand absolutely alone, independent of any connection with any other document or narrative of the Hexateuch, or they must be correlated with the K document and narrative. The former hypothesis is, of course, almost preposterous; the latter is simple and reasonable and has everything to corroborate it.

In the first place, as we have seen, Num. 10. 29–33a formed in the period before the composition of the Priestly Code the direct continuation of Ex. 34. As a narrative it must have been the sequel, either of the J2 legend of Moses with the shining face, with which obviously it has not the slightest connection, or of the main K narrative. With this is accords in every detail.

In Ex. 33.12a Moses says to Yahwe, "Behold You command me, 'Lead this people away,' but You have not told me whom You will send with me." It is almost impossible to translate את אשר by "what," or any word other than "whom." Seemingly Moses expects at first that Yahwe will provide a human guide to lead Israel onward from the mountain. Such would be the simple and natural procedure. For just as Moses in purely human manner has been able to lead the people from Egypt as far as this mountain, so the normal and expected thing would be to secure another human guide, who, knowing the country beyond the mountain, can lead Israel onward in precisely the same manner. Just this is the implication of v.14 also, when Yahwe replies, "My *Panim* shall go, and I will give thee rest." The weighty responsibility of safe guidance, which has rested so heavily and wearyingly upon Moses thus far, will now be taken from his shoulders and be laid upon the *Panim;* he shall now bear the burden in quite the same manner as Moses has borne it thus far, i.e. in purely human manner. This thought of human guidance for Israel through the desert beyond the mountain is in glaring contrast, as we have seen, to the varying, yet obviously related traditions of divine guidance of the J, E and P codes. But just this thought of human guidance for Israel is dominant in Num. 10. 29–33a. Moses requests his brother-in-law, Hobab, the Kenite, to be their guide through the desert lying between the mountain of Yahwe and the promised land; and he requests this just because Hobab is thoroughly familiar with this country, and, knowing how they would have to encamp at the wells in the desert, he can be to them for eyes, and locate these wells for them. Certainly in this motif of simple, human leadership Num. 10. 29–33a accords perfectly with the seeming thought of Ex. 33. 12a and 14, while at the same time it differs absolutely from every other document and tradition of the Hexateuch.

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[52] Cf. "Biblical Theophanies," *ZA*, XXV (1912), 139–193, and XXVIII (1915), 15–60.

In the second place the allusions in Num. 10.29–33a to what must have been the course of the narrative of the K document, are unmistakable. There, we are told that Israel is journeying toward a definite goal, the place which Yahwe has promised to give to them, and that, moreover, Yahwe has promised to bestow good upon them. Just these, as we have seen, must have been the obligations which Yahwe assumed, as His part of the mutual covenant between Himself and Israel, as the original K document recorded.

Here we have the explicit reference to the mountain by the name, "Mountain of Yahwe," i.e. impliedly the mountain upon which Yahwe dwelt, in the manner indicated in the original K document.

And finally, we have in Num. 10.33a the beginning of the account of Israel's journey from the mountain onward through the desert, just as, as Ex. 33.12a tells, Yahwe commanded Moses.

In view of all this very significant evidence, and the consequent completeness of accord of the thought of these verses with the narrative of the K document, and in view also of the absolute divergence of the thought of these verses from that of any other document or tradition of the Hexateuch, we need not hesitate for a single moment in assigning these verses to the K document with a feeling of absolute certainty.

But this conclusion carries with it certain consequences of far-reaching significance. On the one hand, the K narrative tells that when Moses, evidently expecting a human guide, asks Yahwe whom He will send, Yahwe replies that He will send His *Panim*. That *Panim* is here used in a technical sense, we have already determined. Then in the sequel of the story, in Num. 10.29–33a, Moses turns, quite simply and directly, to his brother-in-law Hobab, and asks him to guide Israel through the desert, and Hobab does so. There can be only one conclusion from this; Hobab, the brother-in-law of Moses, must have been the *Panim* of Yahwe.

But how could the term *Panim* have come to be applied to Hobab? In one respect the answer is not difficult; but in another respect no definite answer can as yet be given. Both the J and E documents, which, as we shall see later, are in many of their details of the Moses-story dependent upon this tradition recorded in the older K document, tell that the חֹתֵן of Moses was a priest, the כהן of his tribe, or as both the J and E documents put it, the "priest of Midian."[53] Here כהן undoubtedly means, not primarily the sacrificer as in the P Code, but rather the interpreter of the divine oracle, and consequently the mediator between the Deity and the people. As the כהן Moses' חֹתֵן stood in unquestionably close and intimate relations with a deity, and functioned as the interpreter of the oracle of this deity and his champion in comparison or combat with other deities. Just this is the role which Jethro, Moses' חֹתֵן, plays in Ex. 18 (E). On the one hand, he acts as the master of ceremonies when sacrifices are offered to Yahwe. Moreover, he rejoices exceedingly when he hears how Yahwe has discomfited and prevailed over the gods of Egypt; and in his joy he exclaims (v.11), "Now I know that Yahwe is the greatest of all the gods." It is not the cry of a hitherto half-convinced and hesitating convert to a new faith, but rather the exultant shout of an old and loyal worshiper and champion of Yahwe, proud of his God and His power, and glorying in His triumph over His rivals; and finally, it is Jethro who counsels

[53] Ex. 2.16 (J); 3.1 and 18.1 (E).

Moses with regard to the general and extended use of the oracle of Yahwe among the people, in order to decide cases at law. Manifestly the designation of the חֹתֵן of Moses as כהן is no mere idle or complimentary title, but rests upon a firm basis of historical and literary tradition.

Moreover the god of whom the חֹתֵן of Moses was the priest was, according to E, the deity of the mountain out in the desert called Horeb, or the "Mountain of God," הר האלהים.[54] It is the same mountain and the same deity which we encounter in I Kings 19 and here in the K document. We must conclude, therefore, that, even though in the fragments which are preserved, no explicit statement thereof occurs, none the less the K document, too, represented Moses' חֹתֵן as the priest of the deity of this mountain, i.e. as the priest of Yahwe. We must therefore conclude further that *Panim* or *P*^{e}*ne Yahwe* was the regular technical term and title for the priest of Yahwe, and that when Yahwe promised Moses that His *Panim* should lead the people, He had in mind His priest, Hobab. Therefore, when coming to comprehend his first misinterpretation of Yahwe's word, פני ילכו, and the true meaning of the term, Moses turns to Hobab and requests him to act as guide.[55]

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[54] Ex. 18.5.

[55] To some it may seem inconceivable that Moses should have married Hobab's sister and dwelt with him in his tribe for a considerable period without having known Hobab's official title, *P*^{e}*ne Yahwe*. Yet had he known this title, he would also have known with it the actual name of the Deity whom Hobab and his tribe worshiped, the same Deity with whom Moses and Israel entered into covenant at the sacred mountain, according to this K document, as we have reconstructed and interpreted it. But according to the K narrative, Moses did not know Yahwe's name until it was revealed to him by Yahwe Himself preliminary to the solemnization of the covenant. Therefore also he could not have known Hobab's title, *P*^{e}*ne Yahwe*, previously to this. Of course it may at first thought seem strange that Moses should apparently have gone down to Egypt charged with the heavy task of bringing Israel out from there by a god whose very name he did not know. But this motif is not without its significant and convincing parallel. For the Elohist Code (Ex. 3.1ff.) tells practically the same thing, that Moses was charged to go down to Egypt by a god whose name, he did not know, and only in the course of the conversation attendant upon this charge did he learn that the name of this Deity was Yahwe.

But how could *Panim* have become the official title of the priest of Yahwe? To this question no definite answer can as yet be given, and only the very vaguest conjectures can be offered. It may be that in origin the term had some connection with the idea of *Ḳibla*, or turning the face toward the deity in worship. Or by some remote possibility the term may be equivalent in meaning to, and a contraction of an original Kenite equivalent of the Babylonian *alik pani*.[56] Or, perhaps, we might correlate the term *Panim* here with the oft-cited פן בעל and similar compounds of פנים,[57] and interpret the word in such expressions as meaning "representative."

Or, perhaps, we may correlate this title of the priest of Yahwe with the fact that, according to K, Yahwe's face might not be gazed upon by mortals. His priest then, upon whom alone mortals might look with impunity, would be His natural representative and substitute, and might quite naturally bear a title suggesting that particular part of Yahwe which he replaced in contact with mortals. Perhaps some slight confirmation of this last conjecture may be found in the late J2 tradition appended to this K narrative in Ex. 34.29–35, that Moses' face shone with a radiance, as we have seen, impliedly like that which exilic and post-exilic traditions pictured as emanating from Yahwe's entire being, and certainly in this one tradition, particularly from His face. In other words, this tradition says practically this, that Moses' face was like Yahwe's face, dazzlingly radiant, and per-

There is nothing at all surprising or improbable in the thought that Moses, a member of a different tribe and merely a sojourner in the Kenite tribe under the conditions of *beena* marriage, should not have known the name of the Kenite tribal god, of whom his own brother-in-law was the priest. Among the primitive Semites the names of their gods were powerful forces, with which potent, magical effects were produced; therefore they were not to be used too freely nor to be bandied about lightly, and least of all to be revealed to men of other tribes, even though sojourning in their midst. Accordingly both K and E agree that, even though he had dwelt among the Kenites for some time, Moses did not know Yahwe's true name until it was revealed to him by Yahwe Himself. Consequently, too, according to K he could not yet have known Hobab's official title.

[56] Delitzsch, *HWB*, 531, "governor, officer."

[57] Cf. Bertholet, *Kulturgeschichte Israels*, 58 note 3.

haps also, by a slight extension of the figure, that Moses too was "the face of Yahwe." All the traditions and documents earlier than the Priestly Code agree in representing Moses as the priest of Yahwe in the desert period. Accordingly, in the K tradition he too, as the priest of Yahwe, may have come to bear the title of פני יהוה, and this title may in turn have eventually given rise to this late tradition of Moses with the shining face.

All these, it must be admitted, are pure conjectures, rather far-fetched and with but the most absolute minimum of evidence to justify even their presentation. Yet they indicate that the title, "Face of Yahwe," for the priest of this Deity is not without the possibility of a reasonable explanation. But although lack of sufficient positive evidence does not enable us to determine just what the real origin of this peculiar title was, there is little reason to doubt that פני יהוה was the actual title of the priest of Yahwe, according to the K document, and that furthermore, when in 33.14 Yahwe says, "My *Panim* shall go," He has in mind His priest, Hobab, Moses' brother-in-law. Therefore, as soon as, on second thought, Moses comprehends the true meaning of Yahwe's promise, he turns to Hobab, with his request to lead Israel onward through the desert.[58] How Hobab happened to be present so opportunely will be determined later.

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[58] In Num. 10.29, the words בן רעואל המדיני are undoubtedly a J2 gloss. Both Judges 1.16 and 4.11 speak of the חֹתֵן of Moses as the Kenite, and the latter calls him by name חֹבָב, just as here; but it does not call him בן רעואל המדיני. According to this passage it is Hobab who is Moses' חֹתֵן and not R^e‘u'el the Midianite. On the other hand, Ex. 2.18 (J) gives R^e‘u'el as the name of Moses' חֹתֵן; while Ex. 3.1; 4.18; 18.1,5,6 (E) give יתרו (or יתר) as the name of Moses' חֹתֵן. Unquestionably these are three separate names, not to be harmonized in any way. The name Hobab is characteristic of K. Consequently the words בן רעואל המדיני must be a gloss, introduced to harmonize the J statement that R^e‘u'el was the חֹתֵן of Moses with the K implication that his name was Hobab. According to Eduard Meyer, the name of Moses' father-in-law must have been Ḳain, and the name of Hobab ben R^e‘u'el is the result of later harmonization (*Die Israeliten und Ihre Nachbarstämme*, 90). For another, altogether different and extremely far-fetched and fanciful interpretation of the name Hobab, cf. Haupt, "Midian u. Sinai," *ZDMG*, 63 (1909), 512. Moreover, in this sentence the words חֹתֵן משה must refer to R^e‘u'el and not to Hobab, and

One other significant fact the assignment of these verses to the K document brings forth. Num. 10.33a says, "They journeyed from the mountain of Yahwe a three-days' journey. . ." Here, as has been said, the K document, or rather, the fragment thereof which is preserved in the Bible, breaks off abruptly. What happened at the end of this three-days' journey is not stated, and can only be inferred. But one surmise lies so ready to hand that it cannot be avoided; it seems so natural and probable. It is that at the end of three days of travel Israel reached the goal of its journey, the place which Yahwe had promised. One thing is certain, the K document knew nothing of a long wandering and a protracted sojourn, of forty years more or less, in the wilderness. It clearly implied a direct and not very long journey from the mountain of Yahwe to the place which Yahwe had promised to give to the people. The place could not have been very far removed from the mountain of Yahwe, for after all, even though He had proved Himself a powerful deity, none the less He was still, according to the K document, a local deity, whose power at the most could reach out from the mountain as a center only over a territory of a certain restricted radius. He had proved Himself equally powerful against other peoples and nations and their gods at a like distance in all directions from the mountain.

Just how far Egypt was from the mountain we cannot say, since the K document gives no indication of the location of the mountain other than this. But we may infer very safely that the mountain lay at a spot south of Palestine, apparently a three-days' march from its southern border, and presumably almost equidistant from Egypt.

This inference seems justified by the reference to the three-days' journey in Num. 10.33a. Undoubtedly the K document

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therefore must be a part of the gloss; otherwise we would expect the simple חתנו.

Furthermore, in both the J and E passages חתֵן has the meaning "father-in-law," for Ex. 2.16–22 (J) states explicitly that Moses married the daughter of R^{e}'u'el, the priest of Midian, while Ex. 18.5f. seems to imply this. On the other hand חתֵן as used in Jud. 1.16 and 4.11, and as implied also in Num. 10.29ff., has the older and more fundamental meaning "brother-in-law."

must have told of the entrance of Israel, or at least of a part of Israel, into Canaan from the south, and consequently of the conquest of this southern part of the country by Israel and its settlement therein. This tradition has its definite parallel in the later codes. In fact Num. 21.1–3 tells explicitly of the actual conquest of a district in the extreme south of Canaan, centering about Hormah, by Israel, impliedly under the leadership of Moses. It relates that in the first battle Israel was defeated by the Canaanites, but that because of a vow Yahwe finally gave it victory over its enemies, as a result of which, Hormah, or Arad, as it had been called previously, passed into its possession. Nor was this a mere momentary conquest, for Josh. 12.14; 15.30; 19.4, although, of course, ascribing the capture of Hormah to Joshua, none the less state explicitly that it became thereby a permanent possession of Israel. This is the implication of I Chron. 4.30 also. Moreover, Num. 14.45 and Deut. 1.44 tell that Hormah was the base of operations of Israel in its first, vain attempt to enter Canaan from the south. And most significant for this study, I Sam. 30.29f. suggests that at the time of David Hormah was immediately contiguous to that district of southern Judah in which the Kenites were dwelling, while Jud. 1.16f. records first, that the Kenites entered Canaan from the south in company with Judah and settled in the Negeb of Arad, and then that in company with its fellow-tribe Simon Judah conquered Hormah. Manifestly the Bible contains many ancient and unquestionably authentic traditions of the entrance of Israel, and specifically of the tribes of Judah and Simon, in company with the Kenites, into Canaan from the south and of their speedy conquest of and settlement in and about Hormah.

On the other hand, Num. 14.39–45 (JE) records the tradition that the tribes of Israel did attempt to enter Canaan from the south, but because of the duplicity of the twelve spies and their own small faith, Israel forfeited Yahwe's protection, and so suffered defeat at the hands of the inhabitants of the land, and was driven back. In consequence it was forced to go about the long way around Mt. Se'ir, and only after forty years of grievous wandering through the desert did it approach again and enter the country from the east. This tradition was repeated with certain minor modifications and embellishments by both D[59] and P[60].

Very clearly this tradition of the defeat of Israel when it attempted to enter Canaan from the south is late and had its origin in the endeavor of late writers to harmonize the old tribal tradition of an entrance, or, as they now put it, an attempted but frustrated entrance, into Canaan from the south under the leadership of Moses with the nationally colored and generally accepted tradition of their day of the entrance of Israel into Canaan from across the Jordan to the east under the leadership of Joshua. They could maintain the latter tradition only by either ignoring completely the tradition of an attempted entrance from the south, just as P actually did, or by relating this attempted entrance but representing it as a failure and not as a success. Unquestionably the tradition of the faithless spies had its origin in just this forced attempt at harmonization.[61]

Manifestly the K document too told of the attempt of the tribes, or at least of certain tribes, of Israel, to enter Canaan from the south. But it knew nothing of Yahwe's anger against them and of their defeat on this occasion, but only of their complete victory under Yahwe's protection and favor. Unquestionably, the K document recorded the tradition in its original and more historically correct form.[62] This is strong evidence of the relatively older date and greater originality and larger historical value of the K document in comparison with J and E.[63]

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[59] Deut. 1.41–46.

[60] Cf. the Priestly portions of Num. 13 and 14, which, however, apparently ignore completely the tradition of the actually attempted entrance of the tribes of Israel into southern Canaan and their humiliating defeat, and merely tell of the treachery of the spies, the little faith of Israel, and of the sentence of death in the desert imposed in consequence by Yahwe upon all who had come forth from Egypt, in order to motivate the tradition of the forty years' sojourn in the desert.

[61] So also Meyer, *Die Israeliten und Ihre Nachbarstämme*, 134; Gressmann, *Mose und Seine Zeit*, 295.

[62] Quite clearly this portion of the narrative of the K document must have paralleled the fragment in Num. 21.1–3 closely. This raises the question, whether these three verses may not be regarded as a fragment of the original K document. This is, however, not probable; for, on the one hand, as scholars have pointed out, the verses contain unmistakable stylistic indications of J authorship, and on the other hand, it is hardly likely that the K document,

VI

EXODUS 4. 24–26.

One other passage in the Pentateuch, very short, it is true, but of great significance in many respects, may be assigned to the K document with reasonable certainty.

We have seen that only a fragment of the original K document is preserved in the Pentateuch, and that the remainder has been suppressed by the J2 editor in favor of the closely parallel and related J narrative. The opening portion of the K document, we have learned, must have told among other things of Moses' journey from the vicinity of the mountain of Yahwe, where he had been sojourning with the Kenite tribe into which he had married, down to Egypt, in order to lead forth the children of Israel from there.

Now in Ex. 4.24–26 a little incident is narrated, strangely archaic in character, and which has obviously no connection at all with the surrounding narratives nor with any of the main documents of the Hexateuch. In another work now nearing completion, I have treated of these three verses in detail, and need not repeat here all that is said there.[64] The verses tell that on the journey at the circumcision,[65] Yahwe attacked and sought to kill

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with its motif of Yahwe's absolute promise, as His part of the covenant, to bring Israel to and give it a good land, would have told of a first defeat of Israel by the Canaanites, and of its recourse to a vow to ensure Yahwe's favor and cooperation, as these verses do.

[63] According to Eduard Meyer (*Die Israeliten und Ihre Nachbarstämme*, 64, 91) the goal of this three days' journey was Ḳadesh. This is, however, merely a gratuitous assumption. It is self-evident that K, and probably the oldest J version of the desert wanderings also, knew nothing of a protracted sojourn at Ḳadesh, or for that matter of any sojourn there at all, but only of a direct march from the mountain of Yahwe in the wilderness to southern Canaan and immediate entrance of the land at that point.

[64] *Birth, Marriage, Death and Kindred Occasions among the Semites.*

[65] בַּמָּלוֹן, *malōn*, *ḳaṭalān* form from מול, and not a *maḳṭal* form from לון (note also the article).

the young son of Moses and Zipporah. But Zipporah quickly took a flint and cut off the foreskin of her son and threw it at Yahwe's feet, while she said (to her son), "Verily thou art a blood-relative unto me." Whereupon Yahwe left the child alone. On that occasion she said[66] "Blood-relative" at circumcision.

These versions are assigned by all scholars with practical unanimity to J. Moreover, almost all agree that the pronouns in this passage refer to Moses, that it was Moses' life which was threatened by Yahwe, and which was saved by the prompt action of Zipporah in circumcising her son. We need not repeat here the detailed proof we have given elsewhere that it was not Moses' life, but that of the child, which was endangered, and that in these three verses Moses is not referred to in any way. But had it been Moses whose life was thus threatened by Yahwe, then it would be extremely difficult to account for the anomalous fact that according to J (Ex. 3.2–4a, 7–8, 16–4. 16, 19–20) Yahwe has sent Moses on this important and difficult misssion, and yet when Moses is barely started upon his journey Yahwe seeks to take his life, and thereby would frustrate completely His main plan and purpose. Were it Moses whose life was endangered by Yahwe, this fact alone would suffice to indicate that these three verses could not be the work of J, nor for that matter of E nor P either.

This one difficulty is of course obviated when we understand that Moses is not referred to at all in these verses, and that it is the child's life which is here threatened by Yahwe. With this the main, concrete objection to assigning these verses to J is obviated. But on the other hand there is not the slightest ground whatsoever for assigning these verses to J any more than to E, for the use of the name Yahwe for the Deity is not characteristic of J alone, since, as we have seen, it is used constantly by K also.[67] Nor is there present in these verses any other characteristic, stylistic or otherwise, of the J writers.

On the other hand, these verses have not the slightest connection with the thought of either the J or E codes, and clearly disturb the continuity of the narrative. Ex. 4.27–31[68] is manifestly the continuation of the J narrative in vv. 1–16. Vv. 17–26 contain unrelated fragments from different sources. Vv. 17–18, 20b and 27b are unmistakably E. Vv. 19 and 20a are equally obviously of J origin, yet at the same time not a part of the main J document; instead they are patently secondary and harmonistic. Likewise vv. 21–23 are manifestly secondary and harmonistic, but whether RJ or RD as Baentsch suggests, it is difficult to determine. None of these verses contains a single new detail of the story of the Exodus.

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[66] For the first time, and thereby impliedly inaugurated the custom of the mother reciting this formula at circumcisions.

[67] This leaves out of consideration the moot question whether, after his account of the revelation of the divine name in Ex. 3, E ever uses Yahwe for the Deity, or persists in using only *'Elohim*.

But vv. 24–26 are altogether different in character. They narrate an incident which is altogether new, and which has not the least connection with either what precedes or what follows, nor with any other incident or event of the exodus-story as we have it at present. There can, accordingly, be little, if any, more reason for assigning these verses to J than to E or P.[69]

Furthermore, since these verses tell that Zipporah cast the severed foreskin of her son at Yahwe's feet, they probably picture Yahwe in human form, just as the K document does. Certainly the gross and seemingly anthropomorphic picture of Yahwe here does not accord at all with the characteristic, spiritualized conception of J, that Yahwe dwells in heaven and descends only opportunely to observe or commune with mortals. This incident would accord far better with the fundamental idea of the K document that Yahwe, in a gigantic human form, dwells upon a certain mountain in the desert, close to which Moses and Zipporah chance to pass on their journey down to Egypt, and accordingly

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[68] Omitting 27b.

[69] These verses do tell of Moses' journey, accompanied by his wife and child. This has been one reason for assigning these verses to J rather than E; for E (Ex. 18.2ff.) seems to have told that Moses had two sons at this time, and that they and his wife had remained with her father, while Moses went back to Egypt; on the other hand J told of only one child (Ex. 2.22); moreover 4.20a tells that Moses took his wife and his sons with him on his journey; but as we saw, this verse is entirely harmonistic and secondary; the fact that his wife accompanied him is probably borrowed from this narrative in vv. 24–26, while the reference to his sons, in the plural, is probably borrowed from the E tradition in Ex. 18 (unless we change בָּנָיו to בנו [with Baentsch et al]).

Yahwe, for some reason, at which we can only guess,[70] tries to take the life of their child, but is prevented by the act of Zipporah in quickly circumcising him and throwing the foreskin at Yahwe's feet.

At any rate this much is certain, that this little narrative accords not at all in thought and theology with either the J, E or P documents, while it does seem to accord in its conception of Yahwe, in its general archaic character, and at least in the detail that Moses is on the journey down to Egypt, with the K document. This is indeed scanty evidence, but that scantiness is very plainly due to the extreme brevity of this passage, but three short verses. There are ample reasons why these verses cannot be J, E or P.[71] There are no reasons at all why they cannot be K; and there are some slight but positive indications that they must either be assigned to K or else be regarded as a fragment of some independent and otherwise altogether unknown and unevidenced source. In the light of all this argument it seems justifiable to regard these verses as a part of the K document, a short fragment of the opening, narrative portion of that work.[72]

VII

THE LAWS

Having completed the preliminary analysis of the narrative portion of the K document, we are now prepared to undertake a similar study of the laws. The problems here are complex and difficult. In the main they may be summed up as twofold, (1) whether there were ten original laws in this little code, or if not ten then just how many there were, and what these original laws may have been, and (2) what was the relation of this little code of laws (a) to the code of laws in the Book of the Covenant in general, and in particular to certain laws of that Book with which these laws coincide almost word for word, and (b) to the code of ten laws in Ex. 20, 2–17.

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[70] I have discussed this in detail in *Birth, Marriage, Death and Kindred Occasions among the Semites.*

[71] Cf. also Luther, in Meyer, *Die Israeliten und Ihre Nachbarstämme*, 114f.

[72] Not impossibly v.26b may be the work of J2. The narrative would be complete without it; moreover the use of the word מוּלֹת for "circumcision" instead of מָלוֹן, as in v.24, is suspicious. Furthermore, the passage has a very striking resemblance in thought and form and in the use of אז followed by the perfect, to Gen. 4.26b, undoubtedly the work of J2. The verse seems to tell

It will be well to consider the first half of the second question first, viz. the relationship of the laws in Ex. 34 to the parallel laws in Ex. 20.23–23.19. For before we can answer the questions whether there were in the K code of Ex. 34 ten original laws, and if so what they may have been, we must first determine whether these laws are in their original form, and also whether they are earlier or later than their parallels in the Book of the Covenant. This in itself is a most difficult and complicated problem; and the answers given by Biblical scholars have been almost as many and as varied as the number of investigators themselves.

In general scholars have assumed that in the main the K code of laws in Ex. 34 is the original and the older, and that the parallels in Ex. 20–23 are dependent and therefore younger. For the most part they have assumed this almost gratuitously or because of the fact that the laws of Ex. 34 are altogether ritualistic in character, while the corresponding laws in Ex. 20–23 are only a part of a much larger code of laws in which the ethical principle plays quite as important a role as does the ritualistic, if not even more so; for they tacitly assume that in the course of the historical evolution of religion the ritualistic principle necessarily precedes the ethical; therefore, the purely ritual K code must necessarily be older than the combined ritual-ethical C code. But while, broadly-speaking, the assumption of the precedence of the ritual over the ethical element may be true in general, the conclusion drawn from this by no means follows necessarily; and the originality and greater antiquity of the laws of K as compared with the corresponding laws in C, while hypothetically probable, is a matter still to be finally proved.

that this incident narrated in vv. 24–25, marked, not so much the beginning of the rite of circumcision in Israel, as rather that of the custom of the mother of the child reciting at the circumcision the regular formula, כי חתן דמים אתה לי (Cf. *Birth, Marriage, Death and Kindred Occasions among the Semites*). Such interest in the origins of various rites and institutions is a marked characteristic of J2.

On the other hand, Eerdmans[73] has concluded that not only does Ex. 34 contain no decalogue, and that it is later than and dependent upon the laws in Ex. 20–23, but also that it must be of post-exilic authorship. He bases this conclusion upon several assumptions, a number of which are open to serious question, and upon a partial, and on the whole rather incomplete and one-sided analysis of some of the laws and a comparison of them with the corresponding laws of Ex. 20–23. The principle underlying this comparison is indeed sound. Indeed it is the only principle to be followed. But his treatment is by no means adequate, and, despite quite a number of correct and important deductions, his main conclusions are not in the least convincing; in fact they give somewhat the impression of being unduly shaped to fit a fantastic, pre-conceived hypothesis.

These views represent the extremes of opinion. Between them lie varying shades of conclusion, both positive and negative in character, constituting the contributions of scholars of high repute to the solution of this intricate problem. But these opinions are of so wide a range, and the evidence upon which practically all of them are based so surprisingly scanty, that actually they have succeeded in accomplishing little more than to make "confusion worse confounded."

It is, therefore, fitting indeed to take up the problem entirely anew, and with complete independence of all previous investigations and conclusions.

The unquestionable relationship existing between the laws of K in Ex. 34 and the corresponding laws of C in Ex. 20–23 becomes self-apparent when we place these laws alongside of each other in tabular form. For the sake of convenience, and since it is the basis of comparison, we arrange the laws in the order in which they occur in Ex. 34, and number them accordingly. But from this it by no means follows that this was the original number, order or grouping of the laws, or that this was the original content of the individual laws.

I (34. 14a). לא תשתחוה לאל אחר

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[73] *Alttestamentliche Studien*, III, 77–92. Cf. above, note 2.

(20.23) לא תעשון אתי אלהי כסף ואלהי זהב לא תעשו לכם.	II (34.17) אלהי מסכה לא תעשה לך.
(23.14–15) שלש רגלים תחג לי בשנה את חג המצות תשמר שבעת ימים תאכל מצות כאשר צויתיך למועד חדש האביב כי בו יצאת ממצרים ולא יראו פני ריקם.	III (34. 18) את חג המצות תשמר שבעת ימים תאכל מצות אשר צויתיך למועד חדש האביב כי בחדש האביב יצאת ממצרים.
(22.28–29) בכור בניך תתן לי: כן תעשה לשרך לצאנך שבעת ימים יהיה עם אמו ביום השמיני תתנו לי.	IV (34. 19–20) כל פטר רחם לי וכל מקנך תזכר פטר שור ושה: ופטר חמור תפדה בשה ואם לא תפדה וערפתו כל בכור בניך תפדה ולא יראו פני ריקם.
(23.12) ששת ימים תעשה מעשיך וביום השביעי תשבת למען ינוח שורך וחמורך וינפש בן אמתך והגר.	V (34. 21) ששת ימים תעבד וביום השביעי תשבת בחריש ובקציר תשבת.
(23.14–16) [שלש רגלים תחג לי בשנה] וחג הקציר בכורי מעשיך אשר תזרע בשדה וחג האסיף בצאת השנה באספך את מעשיך מן השדה.	VI (34. 22) וחג שבעת תעשה לך בכורי קציר חטים וחג האסיף תקופת השנה.
(23.17) שלש פעמים בשנה יראה כל זכורך אל פני האדן יהוה.	VII (34. 23) שלש פעמים בשנה יראה כל זכורך את פני האדן יהוה אלהי ישראל.
(23.18a) לא תזבח על חמץ דם זבחי.	VIII (34. 25a) לא תשחט על חמץ דם זבחי.
(23.18b) ולא ילין חלב חגי עד בקר.	IX (34. 25b) ולא ילין לבקר זבח חג הפסח.
(23.19a) ראשית בכורי אדמתך תביא בית יהוה אלהיך.	X (34. 26a) ראשית בכורי אדמתך תביא בית יהוה אלהיך.
(23.19b) לא תבשל גדי בחלב אמו.	XI (34. 26b) לא תבשל גדי בחלב אמו.

A number of facts are disclosed by this preliminary analysis and comparison. It is self-evident that 34.24, which has no parallel whatsoever in 23.17f., as might at first have been expected, is not a law at all, but purely a hortatory expansion which bears all the earmarks of Deuteronomic authorship. The same is true also of the hortatory expansion of the first law in 34.14a by the addition of vv. 14b–16. Here the Deuteronomic style and argument are even more self-apparent, as is readily acknowledged by all Biblical scholars.

And not only in K, but also in C as well, is there evidence of late, largely Deuteronomic, redaction in connection with the laws there related to those in K. Thus 23.12b, giving for the observance of the Sabbath practically the same humanitarian reason that is found in Deut. 5.14b–15, is in all likelihood the result of Deuteronomic expansion. The same is probably true of v.13a. Likewise in vv. 10b and 11aβb we probably have a Deuteronomic expansion of the original, simply stated law of the Sabbatical year.

From this it is clear that for some reason or other Deuteronomic writers had a peculiar interest in these two codes of law, and did not hesitate to expand them here and there by characteristic, hortatory insertions of considerable length. And if they did not hesitate to take this, to us seemingly considerable liberty, we may safely assume that likewise they did not hesitate to take corresponding liberties in the way of revision, at least of a minor character, of the original text itself.

It is likewise worthy of note that in addition to these laws paralleling those in K, C contains two additional laws similar in ritual character and in form to the other laws, which have no parallels at all in K, viz. the law in regard to the altar in 20. 24–26 and the law in regard to the Sabbatical year in 23.10–11.

Moreover, while the last four laws of the two codes, as we have arranged them side by side, agree exactly in relative order and likewise fairly closely in wording, the other laws differ radically both in relative order and in wording. This is especially noticeable in the laws dealing with the three festivals. In C the laws for the three festivals are grouped together, naturally in the temporal sequence of the festivals in the course of the agricultural year, with a common introductory clause שלש רגלים תחג לי בשנה. But it is significant that as the text stands now וחג הקציר and וחג האסיף in 23.16 are absolutely without any governing word, and are therefore literally untranslatable. The problem raised thereby will be discussed fully in the proper place. It suffices for the present merely to have shown that the laws as we find them at present in C are not, at least not all of them, by any means in their original form, but have undergone considerable revision of an internal as well as of an expansive character.

When, on the other hand, we turn to the laws concerning the three festivals in K, we find far greater confusion. True, we do not have the difficulty of nouns standing without any governing word; grammatically everything seems to be in perfect order. But what is far more disturbing, the natural connection of the laws for the three festivals is broken, seemingly with utter lack of logic, by the insertion of the long and complex law dealing with firstlings and by the law of the Sabbath. This arrangement can certainly not be original; it must be instead the result of internal revision.

In short, neither code of laws is preserved in its original form. Both have manifestly undergone revision, and revision of a far larger character than is apparent at first glance. Our first task therefore must be to determine, as closely as is possible by careful and minute comparison of the laws as they stand at present in the two codes, their original wording and order. The task is difficult indeed, and in many cases an absolutely final answer to the various questions which will arise cannot be given.

Since it is always expedient to begin with the simple and advance to the complex, it will be well to disregard the present order of the laws either in K or C, and commence with the comparison of those laws which are simplest in form and in which the divergences are slightest.

Law XI is the same not only in these two codes but also in Deut. 14. 21b. There, however, it appears in a connection altogether different from that in which it occurs in these two codes. In these not only is its wording identically the same, but its order with relation to the remaining laws likewise. The exact meaning of this law is a moot question. It is uncertain whether it refers to the preparation of flesh for food in the ordinary sense, as it is usually interpreted, or whether it expresses a prohibition in connection with sacrificial procedure, as Eerdmans maintains;[74] nor is it possible with the present insufficient evidence to determine this matter finally. Nor can we gain any information of value for our own particular study, from a comparison of these two identical texts.

Likewise law X is exactly the same in both codes. But the consideration of it gives rise to two questions. On the one hand, the law in 22.28a, מלאתך ודמעך לא תאחר, seems to offer a partial parallel to this law, in that it commands the sacrifice at the proper time of the first-fruits of the oil- and wine-presses. On the other hand, the question arises, is not law X an unnecessary and tautological duplication of law VIa, commanding the celebration of the festival called respectively קציר and שבעת? For both versions of law VI, at least in their present forms, make explicit reference to the first-fruits; and the sacrifice of the first-fruits of the grain harvest was the basis and characteristic feature of the celebration of this festival. It is impossible to conceive of this festival without the sacrifice of these first-fruits. Consequently we may well believe that the command to observe this festival carried with it and enjoined sufficiently the sacrifice of the first-fruits, and that therefore law X is altogether tautological and superfluous.

The suspicion therefore becomes quite strong that law X is not a part of the original code, but is in both C and K the result of the same process of expansion by Deuteronomic writers which we have already noted. In such case בית יהוה אלהיך could mean only the one, single, central sanctuary at Jerusalem; and actually when we consider the expression carefully it is difficult to conceive that it can mean anything else, that it could refer to the many, local, pre-Deuteronomic shrines scattered throughout the country; these would surely have been referred to in some manner other than by the singular בית יהוה. We may therefore with fair assurance set law X down as a late, Deuteronomic insertion into the two codes.

The same conclusion holds true of law VII, likewise identical in both codes, with the single exception that in Ex. 34 the words אלהי ישראל are added. Obviously these two words are a gloss.[75] The three occasions for the appearance of all the males in Israel before the Deity must have been, of course, the three great annual harvest festivals, as the position of this law here and again in Deut. 16.16, following immediately after the legislation for the three festivals, clearly implies. In fact, Deut. 16.16 states this very plainly. From its position and context therefore the verse seems to be not an independent law, but merely a summary or amplification of the legislation for the three festivals.

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[74] *Op. cit.*, 89.

Furthermore, from I Sam. 1 it is clear that in the early premonarchic times, at least in Ephraim, festival pilgrimages to the large sanctuaries took place, not three times, but only once, during the year.[76] Outside of these two verses in these two codes there is not in the entire Bible the slightest evidence of the practice of more than one annual pilgrimage to the large and important sanctuaries before the Deuteronomic period. Moreover, had the custom of pilgriming upon the three annual harvest festivals to the great national sanctuary, or even to the great local sanctuaries, such as Gilgal and Beersheba, of which the prophets speak, been firmly established at an early time, none the less these pilgrimages would have been only incidental to the main celebration of these three festivals, and no legislation would have been necessary beyond the mere general command to celebrate the three festivals, which we have earlier in both codes. In fact, in the days of the local shrines, i.e. in the pre-Deuteronomic period, such a command as this would have been utterly without reason and incomprehensible. The local shrines lay so ready to hand, and, as I Sam. 1 shows, and as is amply attested by additional evidence, the festival visits to these shrines were occasions of such rejoicing and mirth, that no particular command to visit the local shrines three times a year, could have been required. The very command here implies that the festival pilgrimage was a duty difficult and exacting, which the ordinary person, and particularly he who would have a long journey to go, would occasionally, if not frequently, seek to evade, were it not enjoined upon him in plain and imperative manner. In other words this very command here implies the pilgrimage to the single central sanctuary, just as is in fact plainly stated in the Deuteronomic version of this law in Deut. 16.16. Accordingly we must infer, not only that this is in itself no separate law, but also that it is of Deuteronomic origin, a Deuteronomic amplification of the legislation for the three festivals, just as we find it in Deut. 16.16, and that it is closely related in origin and character to Ex. 34.24, which for other sufficient reasons we have already set down as the work of Deuteronomic writers.[77]

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[75] LXX adds אלהיך in 23.17, just as in Deut. 16.16, and in both codes it omits, or rather suppresses, significantly enough, the rather surprising title of Yahwe, האדן, again just as in Deut. 16.16.

[76] Perhaps from I Ki. 12.26–30 the inference might be drawn that by the time of the division of the kingdom the pilgrimage up to Jerusalem had become an important institution in the life of the people, and not improbably of more frequent occurrence than once a year. Yet this inference would scarcely be justified. For these verses obviously do not present the true reason for Jeroboam's restoring the two great sanctuaries at Dan and Bethel. That was altogether a political and a practical, religious necessity. And the reason which the verses give smacks rather of a Deuteronomic point of view. It is not at all likely that even under Solomon the Temple at Jerusalem was the established, legalized center of the annual festival pilgrimage or pilgrimages of the people from all parts of the country, as these verses imply. The local shrines served this purpose instead. Therefore we must conclude that I Ki. 12.26–30 are altogether Deuteronomic in point of view and do not in any way evidence a three-fold annual pilgrimage to Jerusalem in the early monarchic period.

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[77] Inasmuch as 23.17 and 34.23 are certainly Deuteronomic, it is difficult to account for the presence of the peculiar and striking title here applied to Yahwe, האדן. The term אדן with the article seems almost to point to the conception of an agricultural deity of the Adonis-Tamuz type. That a later age came to regard this term as of non-Yahwistic, idolatrous origin is indicated by the omission of the term from Deut. 16.16 and from the LXX version of these two verses. This so consistent omission cannot have been accidental; it can be due only to a consciousness of non-Yahwistic, idolatrous association. In all likelihood the expression לראות את פני האדון (but whether to be read as a *Ḳal* or *Nif'al* it is difficult to say. Perhaps the *Ḳal* was originally read; and the change to the reading of the *Nif'al* here served a twofold purpose, to soften an otherwise very gross anthropomorphism, and also to differentiate the expression by one additional degree, from its origin in the theoretically idolatrous practice of the local shrines. On the other hand, the fact that Deut. 31.11 and Isaiah 1.12 have the *Nif'al* punctuation, לֵרָאֹת and I Sam. 1.22 has וְנִרְאָה [which could not possibly be vocalized as *Ḳal*, since in such case we would expect וְרָאָה] speaks

We turn now to the Sabbath legislation, law V, in 34.21 and 23.12 respectively. The differences between the two versions of the Sabbath law are slight, but not without significance. In the first place, there is a difference of one expression in the wording of the primary portion of the law; and in the second place, the conclusion of each version of the law is different. We have already inferred that 23.12b is a Deuteronomic addition to the original law, which in this version read simply ששת ימים תעשה מעשיך וביום השביעי תשבת. We may likewise conclude that 34.21b is similarly a later expansion of the original, simply stated law, although not necessarily, nor even probably, of Deuteronomic origin. It does not of course qualify the original law by stating that *only* in ploughing-time and harvest-time must the people abstain from work upon the seventh day, but rather that even in these two seasons, the busiest of the agricultural year, when every moment almost is precious, and the people might therefore be tempted to disregard the Sabbath, they must still observe the law punctiliously. Obviously the gloss at least applies the law to a civilization in which agriculture is the dominant occupation.

This is confirmed by the verbal difference between the primary portions of the two versions of the Sabbath law. 34.21 uses the term תעבד whereas 23.12 uses תעשה מעשיך. Assuming a direct relationship between these two so similar bodies of law, this difference in these two expressions can hardly be accidental or meaningless. תעבד implies agricultural activity par excellence, and is equivalent to the fuller expression תעבד את אדמתך. On the other hand תעשה מעשיך, particularly with the latter word used in the plural, implies a multiplicity of economic activities, commercial in all probability as well as agricultural. From this we conclude again that the version of the law in 34.21 sprang from an environment in which agriculture was a dominant occupation,

rather decisively for the *Nif'al* as the original.) was in the days of the local shrines the technical term for visiting the sanctuary. (In fact we might almost paraphrase I Sam. 9.9 and say, לפנים בישראל כה אמר האיש בלכתו אל המקום לכו ונרָאֶה את פני האדן, probably adding the local name of the deity.) The expression was still used in Deut. 16.16 by the Deuteronomic writers for want of a better term. And later, as we have said, the grossness of the original term was softened by the omission of האדן.

and in which the people had scarcely passed beyond this stage of economic development, whereas the version in 23.12 was the product of an environment in which the people no longer followed a simple agricultural life exclusively or almost exclusively, but were likewise engaged in commercial or other economic activities, presumably of a fairly wide range. The version in 34.21 is therefore the product of the simpler and more primitive cultural environment, and is, accordingly, at least in a relative economic sense, the earlier of the two versions. Whether it is actually earlier in point of time remains to be determined.

A similar conclusion may probably likewise be drawn from the two versions of law VIII. Here, too, the difference is slight, a matter of but a single word. 34.25a uses the term תשחט where 23.18a uses תזבח. That the stem זבח was not unknown to the authors of 34.25a is proved by the use of זבחי. Yet again, assuming a mutual relationship of the two versions of this law, the question arises, why does the one use תשחט and the other תזבח? At the most there seems to be but a slight shade of difference in meaning between שחט and זבח. Both words are used in Hebrew in the sense "to slaughter," both for profane and for ritual purposes. But between the two זבח seems to convey in Hebrew more of the idea of a ritual, and שחט more of that of a profane act. Since this law deals with sacrifice, the two words are used in the two versions respectively in a ritual sense. But it may well be that תזבח implies a more specific ritual slaughtering than תשחט, viz. slaughtering at the מזבח, the altar. We do know that in an early stage of Semitic religious practice sacrifices could be offered almost anywhere, or that at the most any suitable and convenient stone might be employed as the place or medium of sacrifice.[78] The fixed and frequently elaborate altar was a later development in Semitic civilization, the product of the period of the more advanced culture of settled communities.

That the laws in C are the product of just such a culture as this is proved by the elaborate regulations for the construction and use of altars in 20.24–26. It is still a comparatively early age and culture here depicted. The simple altar of earth is the standard altar. There seems to be as yet no conception of priests as the sacrificers for the people, or as in any way necessary to the sacrificial act; rather the people still seem to offer their own sacrifices, even at the fixed altar. But while the altar of earth is still enjoined as the standard altar, the more elaborate altar of stone is by no means unknown or unsanctioned. Stone altars may be employed, subject to two restrictions; they may not be built of hewn stones, for, for some reason not stated, the use of iron instruments would defile them. Nor may they be built with steps, by means of which the sacrificer might ascend upon them.

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[78] Cf. Gen. 28. 18ff.; I Sam. 7.9ff.; 14. 33–35, and Robertson Smith, *The Religion of the Semites*,^{2} 338ff.

Now it is significant that 20.24 commands the offering of all sacrifices upon the altar. The implication seems to be indeed that sacrifices may be offered at no place other than such an altar. And this lends weight to the inference that the use of the verb זבח in 23.18a implies sacrifice, not in any place whatsoever, but only at the altar, the מזבח, etymologically "the place of sacrifice."

On the other hand שחט, the term used in 34.25a, in no way implies the use of the altar, although, it must be admitted, neither does it exclude such use. In itself the word is non-committal. But in the first place, the fact that in ancient Israel, as among the primitive Semites in general, sacrifices could be offered in any place whatsoever, with at the most the use of a single rough stone or a rude heap of stones as a kind of altar, or, perhaps better, as the forerunner of the altar, and entirely without the necessity of a fixed altar, even though only of earth, may well justify the inference that the use of the verb שחט here implies sacrifice in any suitable place, without regard to presence or absence of an altar thereby.

And in the second place, the complete lack of any altar legislation in K parallelling the extensive altar legislation in Ex. 20.24–26 tends to corroborate this conclusion. The argument from silence here is significant. For, since the legislation in both the K and C codes manifestly states what was conceived by their respective authors to be the fundamental principles of the true worship of Yahwe, and since the authors of Ex. 20.24–26 found it necessary to include altar legislation in their statement of these principles, the absence of similar legislation in the K code can indicate only that its authors felt no such need, that in other words, in their scheme of pure Yahwe-worship the altar played no essential and indispensable role.

And finally, assuming a direct relationship between the two versions of this law, we can readily understand why the common use of the altar in the environment from which 23.18a sprang, in contrast to the seeming absence, or at least the apparent dispensability, of the altar in the environment from which 34.25a sprang, should have necessitated a change of the general and colorless term תשחט, "thou shalt slaughter," in the latter passage to the specific תזבח, "thou shalt slay at the altar," in the former. In other words, we can readily explain the change of an original תשחט to a later and more specific תזבח, whereas it would be difficult indeed to conceive of a satisfactory explanation of the reverse process.

So here, too, in connection with law VIII, the grounds seem ample for regarding the K version as mirroring the more primitive practice and consequently also the earlier cultural environment.

Much the same conclusion can be drawn from a comparison of the two versions of law IX. The verbal differences themselves are wide, but the implications thereof are even farther reaching. The version in 34.25b deals only with the specific sacrifice of the Passover festival. It commands that none of this sacrifice, no portion whatsoever, remain over until morning. The sacrifice is unquestionably offered just at nightfall and must be completely consumed before sunrise. It is exactly the same prescription which we have for the Paschal sacrifice elsewhere in the Bible.[79] Its meaning is obvious and permits not the slightest latitude in interpretation.

In contrast to this the version in 23.18b is rather ambiguous. The temptation is strong indeed to yield to the influence of the parallel in 34.25b and interpret חגי as the Paschal sacrifice. But it would be only this parallelism and naught else which would suggest this interpretation. And were this the meaning of 23.18b, why then should it use at all the vague and uncertain חגי, where 34.25b is so specific in its use of זבח חג הפסח? Moreover, as a rule whenever חג standing alone refers to any one festival, it is of course not the Passover, but always the Succoth-festival. Here it seems quite sure that חג does not mean "festival," nor refer specifically to any one single festival, but rather means "festival sacrifice." Certainly this law has to do, not with the festival celebration itself, but only with the disposal of the festival sacrifice. In other words, the term חג is used here in quite a general sense, and seems to imply that at all the three annual festivals one and the same conventional festival sacrifice was offered, and that at all three festivals a uniform procedure obtained with regard to the time conditions affecting it. The reference to the fat of the sacrifice permits no other conclusion.

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[79] Ex. 12.10; Deut. 16.4.

For unquestionably the ritual procedure for the Paschal sacrifices found in Ex. 12, even though a part of the late Priestly Code, none the less mirrors the ancient practice with regard to this sacrifice. It was offered at the home, and not at a shrine. The blood was smeared upon the threshold, lintel and doorposts of the home, and the flesh was consumed by the family gathered within. The sacrifice was offered just at dusk, and had to be consumed completely, fat and all, during the night by the inmates of the house. It was the only sacrifice of ancient Israel which was regularly offered after nightfall.[80] Just this is manifestly the procedure with the Passover sacrifice prescribed in 34.25b.

But the specific mention of the fat of the sacrifice in 23.18b implies something altogether different, that the fat of the sacrificial animal alone was given to the Deity, and the flesh was disposed of in some other manner; presumably it was eaten by the sacrificer and his guests. Now in the ritual of the Priestly Code the fat was the portion of the "peace-offering" which was burned upon the altar;[81] this unquestionably records ancient ritual procedure. Obviously therefore this law of 23.18b implies that the specific festival sacrifice, offered at each of the three annual festivals, was of that class of sacrifices, later designated by the Priestly Code as *zebaḥ šᵉlamim*. Even more, it implies seemingly that this festival sacrifice belonged to that particular category of this class of sacrifices which the Priestly Code calls by the specific term *zebaḥ todah*, "thank-sacrifice," the fat of which had to be burned upon the altar and the flesh of which had to be consumed completely by the sacrificer and his guests upon the day of sacrifice; nothing might remain until the second day.[82] Actually this law in Ex. 23.18b says no more than that the fat of the festival-sacrifice might not remain over until morning, that, in other words, it had to be burned upon the altar upon the very day upon which the sacrifice was offered. It says nothing directly about the disposal of the flesh. This may justify the inference that the flesh could be eaten on the next day or even later. But this is improbable. True, Lev. 7.16f. provides that the flesh of the *zebaḥ šᵉlamim*, if offered as a free-will offering or in fulfillment of a vow, might be eaten on the second day also, though not later. But certainly the mandatory, annual festival-sacrifices were neither free-will offerings nor given in fulfillment of vows. In all likelihood therefore the more rigorous discipline obtained with regard to them; and therefore presumably not only did the fat have to be burned, but likewise the flesh had to be eaten upon the day of sacrifice. Just this was apparently the procedure of Elkanah at Shiloh, when he offered his annual festival-sacrifice.[83] These considerations at any rate make it quite certain that 23.18b records the ritual procedure with regard to festival sacrifices in general, whereas 34.25b deals with the specific Passover-sacrifice alone.

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[80] This subject too I have treated in detail in *Birth, Marriage, Death and Kindred Occasions among the Semites.*

[81] Lev. 3.3,9,14.

Yet there can be not the slightest doubt that the two laws are closely related, and even that the one is dependent upon the other. Nor can there be any question as to which is the original and which the dependent law. We can understand here the development from the specific to the general, from the specific Passover-sacrifice to the general and conventionalized festival-sacrifice, whereas the reverse process would be altogether incomprehensible. Unquestionably 34.25b is older than 23.18b, and also 23.18b is directly dependent upon and represents a conscious and purposed modification of 34.25b. It follows from this that 34.25b must have originated in an environment where the old, characteristic Passover-sacrifice, undoubtedly of nomad, desert origin, must have been still observed with but little modification of its primitive nature and purpose. On the other hand 23.18b must reflect the practice of a different and culturally more advanced environment, in which for one reason or another the old, nomad Passover-sacrifice had been outgrown and largely discarded, and the practice had developed of offering in its stead a conventional festival sacrifice, in every respect like the sacrifices offered on the other anual festivals, and of course no longer at home but at neighboring local shrines.

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[82] Lev. 7.15; 22.29f.

[83] I Sam. 1.4.

This conclusion is borne out by one other consideration. As we have said, the reference to the fat in 23.18b implies that this was burned upon the altar at the local sanctuaries. The altar is absolutely indispensable to this sacrificial act. This confirms our previous conclusion that in the ritual procedure which lies at the bottom of the C code the altar plays an important and fundamental role, whereas it seems to be nowhere implied in the legislation in K. Certainly the legislation in 23.18b, with its implication of the use of the altar, is in complete accord with the legislation regarding the altar in 20.24–26, and with it is the product of an environment with a relatively advanced ritual practice.

Turning now to law I, we note a number of matters of interest and significance. First, the reference to אל אחר implies, just as we have seen, that a definite statement as to who the Deity of this covenant was, must have immediately preceded this law; for otherwise the term אחר would have been meaningless, and the law itself would have had no significance whatsoever. Just this statement was implied in the revelation of the divine name Yahwe in 34.6a and in its continuation in 34.10a, the announcement of Yahwe that He would make a covenant with Israel. In quite the same way, the first law in Ex. 20, that Israel shall have no other god, necessitates and naturally follows immediately upon the statement that it is Yahwe, Israel's God, who gives these laws and establishes this covenant. Manifestly this likewise is the natural and proper first law in the K code, and states the first and basic principle of the covenant between Yahwe and Israel.

On the other hand, it is significant that the C code contains no exact parallel to this absolutely indispensable law. True it offers two partial parallels, but neither quite partakes of the character of this law in K. 22.19 reads, זבח לאלהים יחרם בלתי ליהוה לבדו. At first glance this seems to parallel the law in 34.14a. But 22.19 does not directly and absolutely prohibit the worship of any other deity as does 34.14a; instead it conceives of this as quite possible and probable, and merely prescribes the proper punishment for this offense, something which 34.14a does not even suggest. As we shall learn in time, this is a kind of law altogether different in origin, character and form from the law in 34.14a, and may in no wise be regarded as parallel to it, or as an integral part of the original C code.

Another seeming parallel to the law in 34.14a is found in 23.13b. It reads ושם אלהים אחרים לא תזכירו לא ישמע על פיך. In the first place, actually this law does not prohibit the worship of other gods, at least not in the same direct and unequivocal manner as does the law in 34.14a; instead it merely forbids the pronouncing of the name of any other deity. True this would probably render impossible indirectly the worship of other gods, for such worship without the utterance of the name of the deity to whom the worship is offered, is inconceivable. None the less, had the primary purpose of this law been merely to prohibit the worship of other gods and no more, this prohibition would certainly have been expressed in a manner quite different and more direct and absolute than this, in fact in a manner very similar to 34.14a. Actually 23.13b seems to be an expansion or elaboration of some such original statement or unexpressed principle. It says, or seems to say, that in addition to not worshiping other gods, Israel must not even mention their names, presumably in taking an oath.

Moreover, the style of the law, if such we may call it, is too diffuse. The tautology between the first and second halves of the sentence is self-apparent. And the law itself so manifestly forms the continuation of what is obviously a hortatory statement, ובכל אשר אמרתי אליכם תשמרו, that the conclusion is unavoidable that the entire verse is not original, but is instead a hortatory insertion into C, probably, like other insertions already considered, of Deuteronomic origin and character. Certainly the extreme command not even to mention the names of other deities, accords perfectly with the rigorism of Deuteronomic thought and principle.

Furthermore, such a law as this is entirely out of place in its present position. Just like 34.14a in the K code, and like 20.3 in the E code in Ex. 20, it too should, if original, come at the very beginning of the code of laws of which it is an integral part. For this reason, too, therefore, we must conclude that this law in 23.13b cannot have been a part of the original C code. Undoubtedly, however, this code must have originally contained at its very beginning some such law as that of 34.14a, probably expressed in language very similar, which has, however, been suppressed by the redactors, for some reason at which we can only guess.

A comparison of law II in both codes likewise leads to interesting conclusions. Not only is the version of 20.23 longer than that of 34.17, but it is unnecessarily and surprisingly repetitious. Moreover, if the present reading be original, the two halves of the verse must be regarded as in parallelism; no other explanation would be possible; for אלהי כסף would have to be construed as the object of לא תעשון at the beginning of the verse, and אלהי זהב as the object of לא תעשו at the end of the verse. This would give two perfectly balanced half verses, it is true; but the effect of such a division of the verse and such parallelism would be, instead of to enforce the thought, to render it strangely weak and even absurd. Moreover the balance in thought would be more seeming than real; for אתי of the first half of the verse is certainly not the proper parallel to לכם of the second half. It is true that LXX reads לכם for אתי, that Pesh. reads both אתי and לכם together, and that Vulg. omits אתי entirely and substitutes nothing for it. But this evidences no more than that אתי is original, and that the versions felt the difficulty and sought to help it as best they could. Moreover the position of the *'atnaḥ* in the verse is strange indeed; nor does it solve the problem to shift the *'atnaḥ* to כסף. Undoubtedly the Massorites had good tradition behind them in placing the *'atnaḥ* just where it is. But this suggests the simplest solution of the problem, viz. that the first three words of the sentence, לא תעשון אתי, are a gloss probably of Deuteronomic origin. But what the reason for the gloss, it is impossible to imagine.[84] Accordingly we

[84] Dillman (*Commentary*, 246), Holzinger (*Commentary*, 79f.) and Baentsch (*Commentary*, 187) would supply אלהים אחרים before אתי, and thus reading לא תעשון אלהים אחרים אתי, would make this an independent law and the parallel to

conclude that the primary reading of law II in 20.23 must have been אלהי כסף ואלהי זהב לא תעשו לכם.

Not only is this a simple and natural reading, but its relation to the parallel law in 34.17 is clear. It employs the second person plural of both verb and pronoun where 34.17 uses the singular, and for אלהי מסכה of the latter passage it reads אלהי כסף ואלהי זהב. Inasmuch as without exception all the laws of this particular class in C as well as those in K use the second person singular, we must conclude that 20.23 too originally read תעשה and לך, and that the change to the plural was editorial, perhaps the work of the same editor or glossator who, for reasons of his own, prefixed לא תעשון אתי to the sentence.

The only significant difference between the two versions of law II therefore is the reading אלהי מסכה in 34.17 and אלהי כסף ואלהי זהב in 20.23. It would be fruitless at this particular place to enter into a discussion of the moot question whether this law prohibits absolutely all use of images in the worship of Yahwe, or whether it merely prohibits those made of molten metals, but by implication sanctions those made of wood, stone, clay or other materials. This question can be considered more profitably, and a more positive answer can be given to it, when we determine the historical background and purpose of each of these codes of law. For the present, therefore, we may defer this particular discussion.

The only question we need consider at this moment is why the one version of the law should read אלהי מסכה, i.e. gods or images made of any molten metal, iron, lead or bronze, as well as

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law I in 34.14a. We have seen that the proper parallel to 34.14a is missing in C. But this missing law could hardly have read as these scholars would have it. For their version can mean only "Ye shall make no other gods with Me," and can not possibly be construed "Ye shall have" or "Ye shall worship no other gods;" for עשה has neither the meaning "to have" nor "to worship." Nor, without some questionable stretching of the word, can אתי be interpreted as "besides Me," equivalent to על־פני of Ex. 20.3. In other words, of the three words in the present text, which these scholars make the basis of their emended reading, the only one which lends itself without qualification to their interpretation is the negative לא. Of the remaining four words of their emended five-word sentence, two must be supplied, and that entirely gratuitously, and into the remaining two meanings must be read, which they have neither ordinarily nor even exceptionally. This is textual emendation with a vengeance.

silver or gold, while the other should apparently specify only gods of silver or gold. Even under the most favorable circumstances and at the most prosperous moments of Israel's history, idols of gold must have been exceedingly rare and precious, while idols of silver too were probably always the exception rather than the rule. The law which refers to idols of gold and silver, even though it prohibits them, must have sprung up in an environment of extreme economic prosperity, for otherwise it would scarcely have known of images made of the precious metals, especially gold, and the prohibition would have had neither occasion nor purpose. On the other hand the more general and modest אלהי מסכה of 34.17 probably mirrors an environment not quite so prosperous economically, and likewise probably earlier in point of time, since, ordinarily at least, the normal development would be from the less to the more costly. It is true that this is not the invariable course of development, and under the force of historic circumstance the reverse process might also have transpired. None the less, tentatively at least, we may conclude that the version of law II in 34.17 seems to be the older and original, and the version in 20.23 the dependent and younger. This accords exactly with the results gained thus far from the comparison of the various parallel laws in the two codes.

Having discussed all the other laws in K, we turn now to the consideration of the laws dealing with the three festivals and the sacrifice of firstlings. As we have said, these laws present the greatest difficulties in the task of analysis and classification. On the one hand, in the C code the laws for the three festivals undoubtedly constituted a unit, perhaps even a single law, for they stand in immediate and logical contiguity with each other, and without the unnatural and disturbing insertion of the laws for the sacrifice of firstlings and the observance of the Sabbath, which we find in 34.18–22. On the other hand, the reading of the festival law or laws in 23.14–16 can certainly not be original, for they offer many indications of extensive editorial revision.

In the first place וחג הקציר and וחג האסף in v.16 stand absolutely without any governing word. They are neither subject nor object, and v.16 is in its present form and position incapable of any exact or satisfactory translation. Unquestionably these words have been dislocated from their original position and government. Moreover in the same verse the words באספך את מעשיך מן השדה are certainly a late gloss. They have no parallel in 34.22; nor is any designation of the moment of the year when this festival is to be observed necessary after the very specific בצאת השנה. In all likelihood these words were added at a time when the term חג הסכת was beginning to supplant the older name חג האסיף, and were designed to explain the otherwise seemingly inexplicable older name of the festival.

For quite the same reason we must conclude that the words בכורי מעשיך אשר תזרע בשדה in the first half of the verse are also a gloss inserted to explain the obsolescent name חג הקציר at a time when the later term חג שבעת was coming to supplant it. For as the sentence reads now, these words too have no government. They can hardly be the object of the verbal idea implied in the noun הקציר, nor yet can the construct relation exist between them and הקציר, since the latter word has the article. At the best they can be only in seeming and formal apposition with הקציר; but it is no real apposition, since בכורי מעשיך are neither identical with nor define הקציר, but merely designate the specific sacrifice offered at this festival.

From this it follows that in v.16 the most that can be original is וחג הקציר וחג האסף בצאת השנה. But still these words stand without any government.

V.15 is manifestly equally overloaded with glosses. In the first place it is significant that the words ולא יראו פני ריקם have absolutely no relation either with what precedes or what follows, both as regards meaning and grammatical connection. If we construe פני as the subject of יראו the sentence becomes a correct grammatical unit; but what its meaning would then be, and particularly in this context, it is impossible to determine. And if we make the subject of יראו an understood, impersonal "they," there is then not the slightest hint from the context here just who these "they" might be. In 34.20 these words לא יראו פני ריקם appear in an altogether different connection; they follow immediately upon the law of the sacrifice of firstlings and the redemption of first-born. In this context they seem to imply that in the ritual of redemption of first-born, the ceremony must be performed at the sanctuary of Yahwe, and that when the first-born do present themselves at or are brought by their parents to the sanctuary, in order to be redeemed, they must be careful to always bring with them a present for Yahwe. But while this would be the implication of the words in their present context in 34.20, it can hardly have been the meaning intended; for there is every reason to believe that the original ceremonies of sacrifice of firstlings and first-born, and the later redemption of the latter, with of course the substitute sacrifice of an appropriate animal, were performed, not in honor of Yahwe nor at a regular sanctuary, but in honor of the family or clan ancestral spirits, and at the home or in close proximity to the clan burial-place.[85]

Moreover, these words, regardless of what the subject of the verb may be, imply clearly a pilgrimage to the sanctuary, presumably a festival pilgrimage. But if this be their meaning here, then they are clearly out of place, both in 34.20 and in 23.15, following, as they do, the legislation for the Passover and preceding that for the other two festivals. For in the first place, the Passover was originally a festival celebrated at and in peculiar relation to the home, and not until the Deuteronomic reformation did it become a festival celebrated at a sanctuary.[86]

And in the second place, since the Succoth-festival was the pilgrimage festival par excellence, one would expect these words to follow the legislation for all three festivals instead of being inserted in its present place in the middle thereof. At any rate, since it seems in both codes to be correlated with the legislation for the Passover, rather than with that for the other two festivals, and since, as has been said, the Passover did not become a pilgrimage festival celebrated at the (or a) sanctuary until the Deuteronomic reformation, it is difficult to escape the conclusion that these words, ולא יראו פני ריקם, are a Deuteronomic gloss, and therefore not a part of the original code in either 34 or 23. This conclusion is confirmed by the fact that just this interpretation, which the natural meaning of these words suggests here, is given to them in Deut. 16.16. There they have no connection whatsoever with the redemption of first-born, as in 34.20, but are explicitly connected with the three annual festival pilgrimages to the central sanctuary. Every male in Israel is there commanded to make these three annual pilgrimages without fail, and on each occasion to present himself before Yahwe with a gift. We need therefore hesitate no longer in concluding that these words are a Deuteronomic insertion into both K and C.[87]

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[85] The evidence for this is presented in full in *Rites of Birth, Marriage, Death and Kindred Occasions among the Semites.*

[86] This question too is treated in full in *Rites of Birth, Marriage, Death and Kindred Occasions among the Semites.*

Furthermore, in 23.15 the words כאשר צויתיך and also their parallel אשר צויתיך in 34.18, are obviously editorial. Likewise the words שבעת ימים תאכל מצות are undoubtedly a gloss. There is no more reason for stating the duration of the Matzoth-festival here and the manner of its observance, than there is for a similar statement with regard to the Asif-festival in v.16. It accords ill with the characteristic concise form of these laws, and is disturbing. And the same judgment applies equally to the words כי בו יצאת ממצרים. These words too, giving the reason for the celebration of the festival at just this particular moment, parallel in thought and purpose באכפך את מעשיך מן השדה in v.16; and since we have pronounced those words a gloss, we cannot avoid the same conclusion for these words in v.15.

Finally 23.14 is likewise a gloss. It is a summary anticipation of the legislation for the three festivals. That it has no parallel in 34 is indicative of its real nature. And that it is a gloss is proved further by the fact that, were it regarded as original, then the words וחג הקציר וחג האסף in v.16 would still remain without any governing word, whereas, if it be omitted, they too become the object of תשמר in v.15. Either v.14, or תשמר in v.15 must be regarded as a gloss; and between the two there can hardly be any question that תשמר, which occurs likewise in 34.18, is the original, and v.14 is secondary.

This analysis establishes with great probability that the original festival legislation of C read very simply and concisely, and in full harmony with the manner of statement of the other laws, את חג המצות תשמר למועד חדש האביב וחג הקציר וחג האסיף בצאת השנה.[88]

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[87] Why these words are not connected with 23.17 and 34.23, just as they are connected with the same sentence in Deut. 16.16, it is difficult to imagine. Just this connection is what we would expect.

But not only was this the original reading of the festival legislation in C; equally it was the original of the same legislation in K. For a moment's consideration of the K code shows unmistakably that the legislation for the sacrifice of firstlings, the redemption of first-born, and the observance of the Sabbath are out of place and illogically interrupt the natural continuity of the festival legislation. There was probably a certain reason for inserting the legislation for the sacrifice of firstlings, in its original concise form, immediately after the law for the Matzoth-festival, but certainly no good ground can possibly be imagined for the Sabbath law in its present position. The logical place for it would have been just preceding the legislation for the three festivals, exactly where it stands in C.

Regarding 34.19–21 as dislocated from its original position in the K code, and therefore excluding it from discussion here, a proper connection in the festival legislation of K is established. In this legislation, unlike that in 23.16, the words וחג שבעת and וחג האסיף have their own governing verb, תעשה. But inasmuch as this word, together with the following לך is missing in 23.16, just where it would have been absolutely indispensable, had it stood in the original version of this festival legislation, it must be regarded as editorial here. It was necessitated by the insertion of vv. 19–21 between these words in v.22 and their original governing verb, תשמר, in v.18. Without the insertion of some appropriate verb, v.22 would have been absolutely untranslatable.

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[88] It might seem at first thought that something is missing here, that since both the Matzoth- and the Asif-festivals are dated exactly, an exact date ought have been given for the Katzir-festival also. Second thought, however, shows that such need not, and in fact could not have been the case. As I have shown elsewhere ("The Three Calendars of Ancient Israel," *HUCA*, I [1924]. 22–64), both the Passover- and Succoth-festivals were celebrated in the pre-Deuteronomic period in conjunction with the two equinoxes. This fixed their dates exactly, and naturally made it mandatory to celebrate these two festivals at exactly these moments of the year. Moreover, as I stated in the same article (*op. cit.* 59), the Matzoth-festival, or probably more correctly, the original Pesach, as separate and distinct from the original Matzoth-festival, was celebrated during the first new-moon night following the spring equinox, the new moon of Abib. (The significance of this I set forth in *Birth, Marriage, Death and Kindred Occasions among the Semites.*) After the originally independent Pesach- and Matzoth-festivals were combined, both moments, the equinox and the following new-moon night, determined the exact time of the celebration of the festival. But in contrast to this the date of the Katzir-festival was relative, depending partly upon the moment of the celebration of the Matzoth-festival and partly upon the state of the crop, just as in Deut. 16.9. Consequently there was no need, and actually but little possibility, of prescribing the exact date of the Katzir-festival, as was done with the two other festivals.

For the same reasons that we regard the corresponding words in 23.15 and 16 as glosses, so also must we regard שבעת ימים תאכל מצות אשר צויתיך and כי בחדש האביב יצאת ממצרים in 34.18, and בכורי קציר חטים in v.22 as glosses. This leaves only two minor differences between the remaining festival legislation in K and that which we have established as the original of C, viz. the name שבעת for the festival in place of הקציר and the term תקופת השנה in place of בצאת השנה. Neither divergence offers the slightest difficulty of explanation. Unquestionably שבעת is a substitution by a glossator, probably Deuteronomic, for the original הקציר. Deut. 16.9 shows that this name, שבעת, had supplanted the older name, קציר, for this festival by the time of the composition of the Deuteronomic Code. But why this glossator did not at the same time substitute the younger name, סכת, likewise used in Deut. 16.13, for the older אסיף it is impossible to tell.

תקופת השנה is practically synonymous with בצאת השנה in 23.16. As I have shown elsewhere,[89] in the period before Ezra the Succoth-festival was celebrated on the very last seven days of the year, immediately preceding the New Year's Day. This day was coincident with the fall equinox. Consequently there is practically no difference whether the festival be dated at the end of the year or at the equinox. Between the two, the date, "the going out of the year," would seem to be a little more exact, since the equinox really marked the first day of the new year, whereas actually the Succoth-festival was celebrated on the last seven days of the outgoing year, even though its connection with the equinox and the New Year's Day was close and inseparable. Perhaps from this we may infer that the dating בצאת השנה was the original and that תקופת השנה was secondary; but the evidence is far from conclusive, and the safest procedure would be to venture no opinion as to priority here; nor is this detail of any material significance for this study.

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[89] *Op. cit.*

We conclude from this that the original festival legislation was the same in both codes, and that with characteristic directness and conciseness it read simply, את חג המצות תשמר למועד חדש האביב וחג הקציר וחג האסיף בצאת (or תקופת) השנה.

The last law to be considered, IV, deals with the sacrifice of firstlings. In some respects it offers the greatest difficulty in our investigation, since the two versions of the law in 34.19–20 and 22.28–29 differ so widely. The latter passage reads, מלאתך ודמעך לא תאחר בכור בניך תתן לי: כן תעשה לשורך לצאנך שבעת ימים יהיה עם אמו ביום השמיני תתנו לי, "The first-fruits of thy wine-press and of thy oil-press thou shalt not delay (to sacrifice); the first-born of thy sons thou shalt give to Me; so shalt thou do with thy cattle and thy sheep; seven days he (the firstling and first-born) shall be with his mother; on the eight day thou shalt give him to Me."

It is to be noted that in this code the law of the sacrifice of firstlings and first-born is associated with a law dealing with the sacrifices of first-fruits. We have already discussed the latter and found that it is in all likelihood of secondary origin. It does not command directly the sacrifice of the first-fruits of the wine- and oil-presses, but only indirectly, in that it charges that these sacrifices be not postponed, presumably for the celebration of one of the great, annual festivals, as was the practice with the first-fruits of the different kinds of grain, saved up and sacrificed together at the Katzir- or Shabuoth-festival at the end of the grain harvest. Instead of such a practice, 23.28a takes the sacrifice of the first-fruits of wine and oil for granted, and merely commands that this sacrifice be not deferred, but be offered immediately upon the conclusion of the pressing. It is by no means unlikely that a religious festival was celebrated on these two occasions; but it must have been a festival of minor character, suggested by the occasion, rather than furnishing the occasion, for these sacrifices. Such an event with its accompanying religious celebration is described in Jud. 9.27.

With this law is associated the law of the sacrifice of firstlings and first-born. This association might be explained by the assumption that inasmuch as first-fruit and firstling sacrifices have the same fundamental origin and purpose, and therefore belong to one and the same category of sacrifices, sacrifices offered for the removal of taboo,[90] it is both natural and proper that these two laws should be thus coordinated. But the justification of this assumption would be more seeming than real, since, as we have just seen, v.22a does not specifically command the sacrifice of these first-fruits, but merely fixes the time when they should be offered, viz. without postponement or delay, immediately after the wine and oil have been pressed out.

Careful consideration of vv.22b and 23 establishes that the law of the sacrifice of firstlings and first-born here has a similar purpose, even despite the seemingly absolute character of v.28b, בכור בניך תתן לי. This law seems to command, not so much the actual sacrifice of firstlings and first-born, but rather, just like v.28a, taking this sacrifice for granted, it commands that these sacrifices be offered upon the eighth day after birth; it implies thereby, just as v.28a states explicitly, that they may not be postponed until a later date.

This interpretation is confirmed by a number of considerations. First, there is the fact just established, that thus interpreted, this law of the sacrifice of firstlings and first-born has a real and logical connection with the law of first-fruits in v.28a. In the second place, were the primary purpose of the law merely to command in absolute manner the sacrifice of all firstlings and first-born, then we must admit that it is poorly and strangely stated. We would expect a short, concise statement of the single, general principle governing the sacrifice of all firstlings and first-born, such as the כל פטר רחם לי of 34.19a, instead of the detailed, diffuse and vague statement which we actually have.

Moreover, we cannot be quite certain of the specific meaning of בכור בניך תתן לי. Does it command the actual sacrifice of first-born children, at a time and in a manner similar to the sacrifice of firstling domestic animals, upon the eighth day after birth, or does it imply some process of redemption of first-born children, just as is explicitly commanded in 34.20? Actually there is not the slightest implication of the latter in 23.28a; and were it not that the parallel legislation in 34.20 does command the redemption of first-born children, and thereby positively prohibits their sacrifice, and were it not also for the extreme unwillingness of Biblical scholars, from the mediæval Jewish exegetes down to the present day, to believe that the sacrifice of first-born children was ever a recognized and sanctioned institution of Yahwe-worship, we would not hesitate for a moment to accept the literal interpretation of 23.28a, as commanding the actual sacrifice of first-born children.

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[90] I have treated of the taboo-sacrifice also in great detail in *Birth, Marriage, Death and Kindred Occasions among the Semites.*

There is ample evidence that child-sacrifice, and particularly the sacrifice of first-born children, was once practiced extensively in Israel. This is indicated not only by the many prophetic denunciations of the institution, and by the manifest character and purpose of the original narrative of the sacrifice of Isaac in Gen. 22, but also by an immense mass of secondary evidence.[91] In Yahwe-worship the sacrifice of first-born children was not original nor basic, but, as the prophets correctly perceived, was of strange origin. None the less, already in the earliest stages of Israel's religious evolution, the sacrifices of first-born children had been incorporated into Yahwe-worship as a common, and probably regular and important practice. Only slowly and with difficulty, and as the result of evolving and advancing religious thought and principle, due no doubt to prophetic teaching and agitation, was the institution eventually outgrown. And even after it was discarded in principle, and ceased thereby to be practiced in the ordinary course of events, not infrequently, at times of threatening national calamity and as an expression of the supreme sacrifice to a supposedly enraged deity, the institution of child-sacrifice was revived again and again, and thus became the object of the repeated denunciation of the prophets, even in the early post-exilic period.

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[91] All this evidence I have presented, together with a full discussion of the institution of child-sacrifice among the Semites in general and in Israel in particular, in *Birth, Marriage, Death and Kindred Occasions among the Semites.* Moreover, I have shown there that this particular kind of sacrifice, as well as taboo-sacrifices in general, originated in the animistic state of the evolution of Semitic religion, and continued, though more or less as survivals, with a marked tendency toward modification and amelioration, in the various advanced Semitic religions, and even in the worship of Yahwe.

The question here, therefore, is not whether the sacrifice of first-born children was ever regarded as a regular element of Yahwe-worship; for all the evidence shows that it was, and that in legislation framed at a fairly early stage of the evolution of Yahwe-religion, and preceding the period of main prophetic thought and activity, the institution might even have been sanctioned and commanded. The real question is, at what time and under what conditions did evolving Yahwe-worship reach that stage of cultural development, when it came to look askance upon and to forbid absolutely the practice of the sacrifice of first-born children? Ex. 34.20 and the story of the sacrifice of Isaac alone can furnish the answer to this question. But the consideration may be deferred for a moment, until we come to the analysis of the law of the sacrifice of firstlings and first-born in 34.19–20.

Regardless for the moment, however, what the answer to this question will be, it cannot be gainsaid that נתן לי is a peculiar expression to connote "sacrifice," in both vv.28a and 29b. It would scarcely be the expression used, were this an absolute law commanding the sacrifice of firstlings and first-born. Its use is much more comprehensible if we interpret the law, as we have proposed, not as commanding such sacrifices primarily, but, assuming that such sacrifices were offered regularly, as fixing the exact time for the performance of the rite.

But if this be the real meaning of this law, and it can scarcely be doubted any longer that it is, it must be admitted that the law is poorly worded. In the first place, it presupposes another law stating the general and absolute principle of the sacrifice of firstlings and first-born, similar to 34.19a; but no such law occurs in C. In the second place, כן תעשה of 22.29 would refer better to לא תאחר of v.28a than to תתן לי of v.28b. In fact v.28b seems to disturb the connection. And yet v.28b cannot be dispensed with, for some specific mention of בכור is necessary; otherwise the suffix of אמו and תתנו would be unintelligible; at the same time, however, the suffix of אמו would seem to refer to the firstling of cattle or sheep in v.29a rather than to בכור בניך in v.28b. Manifestly there is much carelessness and confusion in the statement of this law.

Perhaps this can be best accounted for by the assumption that the entire law is not original and integral in this code, but is secondary and partially editorial, and was substituted for some older and more general law commanding the sacrifice of firstlings and probably first-born as well.

This conclusion is strengthened by the peculiar position of this law in the C code. We have seen that without exception all the laws of this code which parallel the laws of K are found either at the very beginning or the very end of the code. This suggests that originally only these few laws constituted this code, and that all the other laws in C now intervening between these two groups of the original laws, are secondary and late insertions into this code. This hypothesis will be confirmed when we make our detailed analysis of the Book of the Covenant. But if so, then the fact that this one law stands apart from all the other laws paralleling those in K, and almost in the center of the C code, strengthens the assumption that, in its present form at least, it is secondary in character.

Consequently the legislation for the sacrifice of firstlings in Ex. 22.28b–29 offers no help whatsoever in the analysis of the corresponding legislation in 34.19–20. There the statement of this law is rather lengthy, and is complicated by some confusion of expression as well as by a number of exceptions. The confusion lies in the impossible תִּזָּכָר. That the confusion is of great antiquity is proved by the wide divergence of rendition in the various versions. Following LXX תִּזָּכָר is usually emended to הַזָּכָר; but the emendation helps little, if at all. Manifestly the clause means to tell that only male first-born might be sacrificed.[92] Regardless of how תִּזָּכָר be emended, this meaning of the clause is rendered certain both by the context and the parallel law of Ex. 13.12.[93]

[92] If only the verb זכר, perhaps in the *Pi'el*, could mean "to sacrifice a male animal," the meaning here would be perfect; but of course there is no evidence whatsoever that the verb was ever used in either this conjugation or this meaning.

[93] The masculine suffix of אמו and תתנו of 22.29 implies also that whatever the original legislation for the sacrifice of firstlings in C may have been, it too conceived only of male firstlings as being permissible for sacrifice.

Quite significantly both Holzinger[94] and Baentsch[95] regard all of vv.19b–20 as secondary, although upon altogether arbitrary and inconclusive grounds. Yet careful analysis confirms this conclusion. For vv.19bβ and 20a imply that the only reason why a procedure was followed with the firstling of an ass different from that with the firstling of sheep or cattle, was because the latter were animals regularly sacrificed upon the altar and in conformity with the principles of a highly developed cult, and presumably as the food of the deity. But on the one hand, as we have seen, the original legislation of K apparently did not regard the altar as essential to the worship of Yahwe, and consequently did not include in its system of ritual any ceremonial necessitating or centering about the altar.

And on the other hand, presentation upon the altar, presumably as the food of the deity, was by no means the original purpose or character of the sacrifice of firstlings and first-born; instead it represented a giving back to the deity, or originally to some spirit, that which he was thought to have created and which was therefore really his property.[96] In consequence in the oldest and simplest form of this sacrifice, no distinction was made between the manner of sacrificing the firstlings of sheep or cattle and that of sacrificing the firstling of an ass or a first-born child. Apparently the throat of each victim was cut, usually in proximity to a sacred stone or some other similar sacred object or place, and the carcass was left lying on the ground to be consumed by strangers or birds and beasts of prey. Just this original and simple procedure seems to be implied in the general statement, כל פטר רחם לי of v.19a. Unquestionably vv.19b–20 picture a later stage in the development of firstling and first-born sacrifices, a stage identical in every way with that presented in Ex. 13.12–13. This corroborates the conclusion of Holzinger and Baentsch that vv.19b–20 are secondary and not improbably the work of editors identical with or closely related to the authors of Ex.13.12–13.

We must accordingly conclude that the simple statement, כל

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[94] *Commentary*, 117f.

[95] *Commentary*, 284.

[96] I have treated this subject also in full detail in *Birth, Marriage, Death and Kindred Occasions among the Semites*.

פטר רחם לי of v.19a was the original legislation of the K code with regard to the sacrifice of firstlings. And unquestionably it implied the sacrifice of first-born children as well. This is proved by the fact which we have just established, that v.20, containing the command for the redemption of first-born children, is secondary and late, and also by the original version of the narrative of the sacrifice of Isaac.

For Gen. 22.14–22 is a secondary insertion by some late J2 writer. With these verses omitted, a simple story remains with obvious purpose. It told that Abraham believed that he had been commanded by Yahwe to sacrifice his beloved son Isaac, the first-born of his mother Sarah. But at the critical moment, just as his hand was upraised to slay his son, Yahwe intervened and commanded him to sacrifice instead a ram, opportunely caught by his horns in the neighboring thicket. The manifest implication is that Yahwe desires no human sacrifice, not even of first-born sons, but has ordained that in their stead a ram or some other appropriate animal be substituted. This is, of course, exactly the same procedure as is commanded in Ex. 13.13 and 34.20, with this difference, however, that in these two laws the redemption of a first-born son by means of a substitute animal was already an established institution, while in Gen. 22 it is clearly an innovation requiring a direct sanction from Yahwe.

This story is contained in the Elohist Code, and was therefore probably composed in the Northern Kingdom, and at the earliest but little before the 8th century B.C. It probably represents a crystallization of prophetic thought which had been developing for some time before the actual moment of the literary composition of this narrative, but even so there is no reason to believe that this prophetic attitude to the institution of child-sacrifice in Israel had begun to take positive shape much before the beginning of the 8th century B.C. And since we shall have to fix the dates of both the K document and the Book of the Covenant as 899 and 842 B.C. respectively, we cannot escape the conclusion that neither code of laws forbade the sacrifice of first-born children. Instead, as we have seen, both codes sanction the institution as in their day regular and fundamental in the worship of Yahwe.

But if the original legislation for the sacrifice of firstlings and first-born was probably the same in both codes, a significant difference developed between them in course of time. For, as we have seen, secondary legislation in C fixed the time for these sacrifices, both animal and human, on the eighth day after birth.[97] On the other hand 34.19–20 fixes no exact moment for these sacrifices; yet it is impossible to believe that the K code too did not contemplate some particular moment in the year when these sacrifices were to be offered. The proximity of this legislation to the law of the Matzoth-festival suggests that the K code contemplated the offering of these sacrifices at this festival. It is true, as we have seen, that the law of the sacrifice of firstlings and first-born is not in its original place in the K code. It probably stood originally near the end of the code, in juxtaposition to the closely related sacrificial laws still found there. It was transposed to its present place, where, as we have seen, it interrupts the primary unity of the festival legislation, by some editor, who, perhaps in the face of the legislation of C in 22.28–29, wished to emphasize the fact that in his opinion, and probably because it was the regular practice in his part of the country, these sacrifices were and should be offered, not upon the eighth day after birth, but upon the great, annual Matzoth-, or rather Pesach-festival, in the early spring.

This divergence between these two codes is of great significance in determining their literary history and their significance as historical documents. In my frequently-cited work, *Birth, Marriage, Death and Kindred Occasions Among the Semites*, I have had to consider in detail the origin and history of the Passover. On the basis of a good mass of evidence, collected from manifold sources, I have shown that the festival is of pre-Yahwistic origin, and goes back to animistic beginnings. During the three dark nights immediately preceding the first new-moon following the spring equinox, and culminating on the night of the new-moon itself, the spirits of dead ancestors, and particularly those who had died within the year, were thought to be released from the netherworld, their regular abode, and to be free to wander where they listed and to work mischief upon all whom they chanced to meet. In particular they sought to force their way into their old abodes and to injure their former relatives. To guard against their attacks each clan or family sacrificed a lamb, or probably in the earlier stages of the ceremony a camel, in honor of its dead ancestors. This sacrifice was slain upon the threshold of the tent or house, and in addition thereto, the blood was smeared upon the lintels and door-posts. Through this protective circle of blood surrounding the door-way, these spirits could not pass, and the inmates of the tent or house were thus guarded against their attacks. During the entire night, and until the protective light of dawn had come, no one ventured forth from the shelter of the home; all through the long darkness they kept watch-night in terror of the danger without. This was the origin of the peculiar Paschal sacrifice of ancient Israel and of the *ḍaḥîyyeh*-sacrifice of the present-day Moslems. In the Bedouin form of this last sacrifice its original character is particularly apparent.

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[97] In *Birth, Marriage, Death and Kindred Occasions among the Semites* I have likewise considered in detail the question why this and countless other similar rites of primitive Semitic religion endured for seven days and culminated on the eighth day.

But these ancestral spirits were not conceived of as altogether evil and mischievous. In some respects they were beneficent. Among other blessings supposedly emanating from them, they brought about all human and animal birth, and at a somewhat later stage of cultural evolution, they caused the earth to yield its produce. Consequently it was to them that the sacrifices of firstlings, first-born and first-fruits were originally offered. Under the conditions which have governed the existence of practically all Semitic nomads from the remotest times, domestic animals give birth at one season in the year, in the very early spring. It is just the time when, at the close of the rainy season, herbage is most flourishing, and animals are most plentifully nourished, and the udders of the mother animals yield abundant milk. It is expected generally that animals born either too soon or too late, in relation to this period, cannot live.

Now for some peculiar reason animals were regarded as unfit, or rather not yet fit, for sacrifice or for any profane use until the end of a period of seven days after birth.[98] The eighth day was

[98] So also Lev. 22.27.

the first, and therefore the most appropriate day upon which firstlings and first-born sacrifices could be offered, although for any good reason, this sacrifice might be postponed until some later date, provided of course that the animal was during the interval regarded as sacred or taboo, and was not used for any profane purpose. The first new-moon night after the spring equinox fell as a rule approximately eight days after the vast majority of domestic animals had calved. It was therefore the most favorable and logical moment for the offering of these firstling sacrifices. And by a natural process of attraction it became the moment when all first-born male children, born during the year, were sacrificed, or, in later stages of cultural evolution, were redeemed, either by the sacrifice of an appropriate substitute animal or by circumcision. Obviously these beliefs and ceremonies were rooted in pastoral life and religious observance.

The advance of various Semitic peoples to agricultural and later to commercial life and culture naturally affected these primitive beliefs and practices materially. On the one hand, the proper occasion for the sacrifice of first-fruits was determined by the seasons and the states of the different crops. This gave rise to festivals celebrated at various seasons of the year and with ceremonies altogether different from the rites of the nomad Passover. On the other hand, under the conditions of agricultural life, where a limited tract of cultivable land yields a far larger food supply if used to raise crops than if employed for grazing, the tendency was naturally for the herds and flocks to diminish steadily in size and in economic importance. And with the consequent, steady decrease in the number of firstling animals to be sacrificed, much of the old, original significance of the Passover was lost.

Moreover, with advancing culture, the god-conception likewise evolved. In this process the expanding realization of the functions and processes of nature, both in regard to human and animal procreation and crop production, worked a far-reaching change. The belief in ancestral spirits gradually gave way to the conception of great gods, and eventually in Israel to that of a single God, Yahwe. The old Passover in consequence lost much of its original significance and continued to be observed largely as a survival, or was absorbed in the agricultural Matzoth-festival, celebrated at approximately the same moment of the year. This development unquestionably proceeded more rapidly in the Northern Kingdom of Israel, with its far greater extent of cultivable soil and its consequently far more developed agricultural life, economic prosperity and cultural progress, than in the Southern Kingdom, where, due to the general comparative sterility of the soil, grazing continued to be a dominant occupation alongside of agriculture, and tended to foster and perpetuate with minimum modifications the old pastoral, or perhaps better, semi-pastoral, life, beliefs and cultural and religious practices.

Just this divergence of background and content we find between the two codes. It is manifest in the conspicuous role which the altar plays in the ritual of C, particularly when contrasted with the apparent absence or insignificant role of the altar and altar ritual in the original form of the K code. But it is most apparent and significant in the role played by the old nomad Passover-festival in the two codes. In both codes apparently the old Passover as a distinctive festival has died out and is no longer observed. C preserves and sanctions no reminiscence of it whatsoever; for it the Passover is altogether a thing of the past, outgrown completely, and almost, if not entirely, forgotten. But the K code, even though it does not prescribe the observance of the Passover as a specific festival, preserves two very strong reminiscences of, or survivals from, the old Passover observance. In the first place it commands the continued offering of the old, distinctive Passover-sacrifice, presumably at the home, as the original manner of offering this sacrifice was, and apparently without relation to any festival. But, as we have seen, the C code has substituted for the law of this specific sacrifice, another law, somewhat similar in wording, but dealing with conventional festival sacrifices offered at the sanctuary.

And in the second place, the K code still associates the sacrifice of firstlings and first-born with the festival in the early spring. But since the Passover itself was no longer celebrated as a distinctive festival, but had been absorbed by the agricultural Matzoth-festival, celebrated at approximately the same moment of the year, these sacrifices were now offered in connection with that festival, but still at the same season and moment of the year as of old. This was perfectly natural; for in the pastoral or semi-pastoral Southern Kingdom, there must have been so many firstling sacrifices to be offered, and all, as we have seen, at about the same moment, that the occasion for a festival celebration was still there, even though no longer to a degree sufficient to perpetuate the Passover as an independent festival. In consequence these sacrifices were now offered quite naturally in connection with and as an integral part of the celebration of the Matzoth-festival, into which the Passover had been absorbed. And with these sacrifices, of course, went the sacrifice of all human first-born, born during the year. The animal firstling sacrifices surpassed in number and significance, it would seem, the human first-born sacrifices, and so determined very properly, the time when the latter should be offered.

But in the Northern Kingdom, with its agricultural and, to a certain extent, even commercial culture and religious practice, on the one hand the specifically agricultural character of the Matzoth-festival was necessarily more pronounced than in the South, and on the other hand the number of annual firstling sacrifices was comparatively few. In consequence the human first-born sacrifices probably exceeded relatively in number and importance the animal firstling sacrifices. Consequently the natural tendency was to divorce these sacrifices from all festival connection whatsoever, and instead to reapply in literal manner the old, basic principle, that the proper moment for all such sacrifices was the eighth day after birth. Exactly this is the procedure prescribed in 22. 28b–29.[99]

None the less it is certain that 22.28b–29, being secondary legislation in C, must represent a modification of an earlier, more general and absolute, and at the same time a simpler and more directly stated law. This may well have read like its counterpart or original in K, כל פטר רחם לי. And this probably stood in the original C code in much the same position in which it first stood in K.

[99] Perhaps the fact that in this passage the reference to the sacrifice of first-born precedes the reference to the sacrifice of firstlings indicates that, just as we have maintained, in the Northern Kingdom, first-born sacrifices played a more significant role than did the sacrifices of firstlings.

We have at last completed our comparison of the two parallel codes of law in K and in C. We have found that neither code has retained its original form, that many editors have taken far-reaching liberties with both codes in the way of emendation, supplementation, addition of new laws, rearrangement of the original order of the laws, and reinterpretation to conform to the changing point of view of succeeding ages. The original content and order of the laws of the K code would seem, as the result of our analysis, to have been as follows:

I לא תשתחוה לאל אחר.
II אלהי מסכה לא תעשה לך.
III ששת ימים תעבד וביום השביעי תשבת.
IV את חג המצות תשמר למועד חדש האביב וחג הקציר וחג האסיף בצאת (or תקופת) השנה.
V כל פטר רחם לי.
VI לא תשחט על חמץ דם זבחי.
VII לא ילין לבקר זבח חג הפסח.
VIII לא תבשל גדי בחלב אמו.

And not only was this in all likelihood the original form and content of the K code, but it is quite clear that the original C code was based directly upon this. The relationship is obvious and the character of dependence is readily determined. This original K code, manifestly emanating from the Southern Kingdom, was taken over by some group of Northern legislators, and, with a few slight modifications and the addition of two characteristic laws, was made to fit Northern conditions of life and religious practice.

As we have seen, the C parallel to law I has disappeared, although unquestionably it must once have stood at the beginning of the C code.[100] For אלהי מסכה of law II of the K code, the C code has substituted אלהי כסף ואלהי זהב, with its implication of greater wealth, resulting undoubtedly from extensive agricultural, and probably even commercial activity. For תעבד of law III of K, C has substituted תעשה מעשיך, implying thereby a greater variety of occupations than in K, in other words, again extensive commercial activity in addition to agriculture. For תשחט of law VI of K, C reads תזבח, probably suggesting thereby an altar sacrificial ritual, not necessarily implied in K. And for זבח חג הפסח of law VII of K, C, with a slightly different order of words, reads חלב חגי. By this slight rewording, as we have seen, C made the law deal, no longer with the specific, in the Northern Kingdom seemingly outgrown, Passover-sacrifice, offered at night and at home, but with the conventional sacrifice offered at all festivals, in the daytime, and at the sanctuary and upon the altar. So far as can be determined, these are the sole differences between the original forms of the parallel laws of the two codes; and, as is apparent immediately, not only was the statement of the laws in K the original, and that in C the dependent, but also every departure in C from the original wording in K was purposed, in order to adapt the K legislation to the conditions of the Northern environment in which C was composed.

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[100] Probably 20.22b has in some way come to take its place. Certainly the present v.22b is not the natural continuation of v. 22a. It is probably editorial, and aims to connect the account of the revelation on Sinai in Ex. 19.1–20.21, with its Ten Commandments, with the Book of the Covenant. The natural continuation of כה תאמר of v.22a would have been the statement of the laws of the original C code, with לא תשתחוה לאל אחר, or something very similar to it, as the first law.

This will account also for the two additional laws found in C, which have the same character as those laws of this code which we have already considered, and also as all the laws of the K code.[101] These two laws deal with the regulations for the altar[102] and the Sabbatical year.[103]

The latter law, it would seem, is out of place where it stands at present. Its logical position would be after the Sabbath law instead of preceding it, as it does; for the institution of the Sabbatical year is unquestionably an extension of the primitive principle of taboo associated with the number seven, which lies at the bottom of the Sabbath observance.[104] Yet the institution of the

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[101] The technical name of this particular class of law was דָּבָר. The proof of this and the consideration of its significance will be given in the analysis of the Book of the Covenant, which will constitute the sequel to this paper.

[102] 20.24–26.

[103] 23.10–11.

[104] This matter too is treated in detail in *Birth, Marriage, Death and Kindred Occasions among the Semites.*

Sabbatical year is unquestionably of great antiquity. And in a code of ritual laws, such as this of C, which conforms in the main to the conditions of a basically agricultural environment, a law prescribing the observance of the Sabbatical year would be practically indispensable. Unquestionably the present wording of this law is the result of considerable editorial expansion, probably, judging from its tone, Deuteronomic. In view of the characteristic, direct, concise form of all these laws, we may safely infer that this law originally read simply, שש שנים תזרע את ארצך והשביעית תשמטנה. Its similarity in form to the Sabbath law, and its consequent dependence thereon, are self-apparent, and constitute another cogent reason for believing that originally this law followed directly upon the Sabbath law instead of preceding it.

The analysis of the altar law offers somewhat greater difficulties. Whatever may have been the original wording and meaning of 20.24b, unquestionably it and also v.24aβ are the result of editorial expansion. It is difficult to avoid the impression that v.24aβ implies a far more extensive sacrificial ritual than was contemplated by the remainder of the code. And v.24b is really out of harmony with the code proper, for it implies that Yahwe's blessing flows out of His hearing His name mentioned in worship, whatever particular kind of worship may be understood here, whereas the very conception of a covenant between Yahwe and Israel, based upon this code of laws, implies that Yahwe's blessing was contingent solely upon Israel's punctilious observance of all the laws of the code.

With these words omitted the nature and purpose of the law become a bit clearer. Manifestly this law does not command the institution of the altar as an indispensable object of ritual observance, where formerly no altar had been necessary; for had this been its purpose the law would surely have been worded differently. Instead the law is clearly restrictive in purpose; it was obviously framed in the midst of an environment where large and elaborate altars, probably built of hewn stone, were common, an environment evidently of economic wealth and relatively high cultural development. This law represents a reaction and protest against these elaborate altars, and denounces them, by implication, as not in conformity with the right principles of Yahwe-worship. In place of these elaborate altars it prescribes a simple altar of earth. This reaction against the more elaborate and costly stone altar and reversion to the older, more primitive, simpler and less costly earthen altar, is quite in the spirit of law II forbidding the manufacture of gods of gold and silver. It is likewise in full conformity with later prophetic protest against ritual extravagance and luxury as characteristic of Ba'al-worship, whereas simplicity and restraint characterize the true worship of Yahwe.

Now vv.25 and 26 would not be out of harmony with this manifest purpose of this altar law; and in themselves they seem to be in every way compatible with the primary statement of this law in v.24aα. Certainly the prohibition against the use in the erection of an altar of stones cut with iron instruments reflects a superstition of great antiquity, older by far than the time of composition of the original Book of the Covenant; therefore it might, so far as point of time is concerned, have found its place in this code. But after careful consideration vv. 25–26 give the impression of a concession from the absoluteness of the original altar law in v.24aα to the point of view of a later and culturally somewhat more advanced age. V.26 is unmistakably a unit with v.25 rather than with v.24aα, for the simple, earthen altar would hardly have been so large or so elaborate that it would have necessitated that the officiant ascend upon it, or, even had this been necessary, that steps would have been required for this purpose. Such a concession from and modification of the absoluteness of the principle expressed in the primary statement of the altar law has no counterpart at all in the other laws constituting the original C code, and is altogether out of accord with the uncompromising character of the covenant relation between Yahwe and Israel. Moreover, were vv.25–26 a part of the original altar law, its characteristic, direct, concise form would be lost entirely. These considerations point to the conclusion that this law read originally מזבח אדמה תעשה לי, and no more, and that vv.25–26 are a later addition. Yet they must have been added at a fairly early date, at a time when not only the ancient superstition with regard to the use of iron instruments had not yet been outgrown, but also trousers or similar undergarments had not yet come into use, to cover the parts of the body beneath the skirt, otherwise exposed to the ground.

The wording of the group of laws which constituted the original nucleus of the code of the Book of the Covenant thus seems to have been as follows:

I (לא תשתחוה לאל אחר.)
II אלהי כסף ואלהי זהב לא תעשה לך.
III מזבח אדמה תעשה לי.
IV ששת ימים תעשה מעשיך וביום השביעי תשבת.
V שש שנים תזרע את ארצך והשביעית תשמטנה.
VI את חג המצות תשמר למועד חדש האביב וחג הקציר וחג האסיף בצאת השנה.
VII (כל פטר רחם לי.)
VIII לא תזבח על חמץ דם זבחי.
IX לא ילין חלֶב חגי עד בקר.
X לא תבשל גדי בחלב אמו.

One final question remains to be discussed in connection with our analysis of the laws of K and their parallels in C, viz what was the original number of laws in each code; or, more explicitly, is the statement of Ex. 34.28 that in the K code there were ten laws, correct and therefore original? Our analysis has established that the original nucleus of the C code consisted of ten laws, entirely ritualistic in character, designated in Ex. 24.4 and 8 as דברים. This is an important fact, nowhere intimated in the Book of the Covenant itself. But our analysis has also established the fact that seemingly the original code of K contained only eight laws, and not ten.

However, it is difficult to escape the impression that this number ten and the arrangement of these laws basic to the covenant between Yahwe and Israel in a group of ten, are not a mere accident. Not only have we ten דברים as the nucleus of the code upon which the covenant rested in the Book of the Covenant, but likewise the Elohist tradition in Ex. 20 records ten דברים as the basis of the covenant at Horeb; and this tradition has been borrowed in full by Deuteronomy.[105] And finally there is the explicit statement of 34.28b that the K code did consist of ten דברים. Of course it might be argued that this number is editorial, the result of the addition of two secondary and amplifying laws, inserted perhaps purposely, just in order to increase the original eight laws to ten. The two secondary laws in 34.23 and 26a would seem to lend themselves well to this hypothesis.

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[105] The hypothesis frequently advanced by Biblical scholars, that the original legislation of the Holiness Code was arranged in groups of ten laws, or rather in double groups of five laws each, is still too unevidenced and uncertain

But a number of facts speak strongly against it and argue for the originality of v.28b and the number ten. In the first place, were we to admit that the original K code contained only eight דברים, whereas the original C code contained ten, and that the original eight of K were increased to ten by the purposed insertion of two additional and altogether duplicative laws, we would also have to admit that the practice of arranging these דברים in groups of ten sprang up at some time between the composition of K and C, and was in consequence of no great antiquity. This is by no means impossible. In fact it might well be that the original C code, consisting of ten primary דברים, was the first such code to contain this number, and that it, rather than the older K code, became the standard of all similar groups of דברים compiled later; this consequently necessitated the supplementation of the original K code to make it conform to this standard. But against this suggestion is the fact that those very laws which, according to it, were added to the original K code in order to standardize the number of its דברים, are also found verbatim in the present C code, where not only there was no need to add to the original ten laws, but also such addition would upset the very standard of ten laws, to establish which they were supposedly added to the original K code.

More significant is the fact that if the עשרת הדברים of v.28b be regarded as secondary, it is difficult not to regard the entire verse as secondary. Certainly v.28a is editorial, as are also the words על הלחת of v.28b, for they are manifestly designed to harmonize the old K tradition with the younger J or JE tradition, a fragment of which, as we have seen, is inserted in 34.1–5. This leaves only ויכתב....את דברי הברית עשרת הדברים as possibly primary. It must be admitted that this is very little. But on the other

to be offered here in support of our theory. Nor need we consider here the question of the origin of the practice of grouping these laws in sets of ten.

hand, v.27 certainly requires some such statement as this to complete its thought; otherwise the narrative would halt badly. Moreover in the parallel narrative of the Book of the Covenant, in Ex. 24.4–8, as we shall see in time, we have the expected and exact duplicate of this incident. There too Moses writes the "words" of the covenant in a book, presumably, although not explicitly stated, at Yahwe's command, and then makes use of this "book of the covenant" in the subsequent ceremony of the solemnization of the covenant. We have seen that the K document too must have told of the solemnization of the covenant between Yahwe and Israel, the central ceremony of which must have been the formal reading or recital by Moses of the laws of K, the "words" of the covenant, and their definite acceptance by the people. For such a ceremony, and likewise for the permanent record of this covenant, it was essential that Moses have written the laws down in some form. In all likelihood the original K tradition told that these laws were written upon a ספר, a scroll, just as the C tradition has it, and not upon the more elaborate and monumental tablets, as the late J and E traditions tell. Moreover, in the later J and E traditions it is Yahwe who writes the laws, whereas here, just as in 24.4, it is Moses. This is, of course, the older and simpler form of the narrative, and has all the earmarks of originality. Unquestionably therefore the words of v.28b, ויכתב... את דברי הברית, are original, and with them, in all likelihood, though, it must be granted, by no means necessarily, the last two words, עשרת הדברים. Probably this read in full, ויכתב משה על ספר את דברי הברית עשרת הדברים; or the statement may have been even somewhat more elaborate than this. It was of course the opening sentence of the K account of the solemnization of the covenant, paralleling in this respect Ex. 24.4a.

This argument is by no means conclusive. The final and all-determining test of its correctness must be of course the fixing of the ten original laws of the K code, There is only one way in which the eight laws, which we have established as the original of the K code, may be regarded as ten, viz. by counting the legislation for the three festivals as three laws instead of one, i.e. one law for each festival. This is the only possible solution of this problem, and it must be admitted that it seems more logical to regard this festival legislation as one law instead of three, particularly since, as we have reconstructed the wording of the law, there is only one governing verb, תשמר, for all three nouns.

These considerations compel us to leave the question unsettled and open. The original code of the K document may have been regarded as consisting of either eight "words" or ten. If the latter, then the words עשרת הדברים of v.28b are primary; if the former, then these words are secondary,[106] and the practice of arranging the "words," which were believed to be basic to a covenant, in a group of ten must rest upon the model furnished, not by K, but by C; for certainly in C the legislation for the three festivals must have been reckoned as one law and not as three.

VIII

THE DATE OF THE K DOCUMENT.

We have completed our analysis of the laws of the K document and their parallel laws in the Book of the Covenant. We have reconstructed what must have been, either exactly or approximately, the original form and content of the K code and of the corresponding laws of C. The next task is to determine the date and historic background of K, and eventually, although not in this paper, the date and historic background of C also.

We have already established some facts with regard to the cultural background of the K document, which led us to conclude that it must have been composed in the Southern Kingdom. Further consideration of the cultural background of the code will confirm this conclusion and also bring out other facts of more than passing significance.

Careful and repeated examination of the code, particularly in its original, simple, concise form, creates the strong impression that it is distinctively reactionary in character. Manifestly it sprang out of an environment partly agricultural and partly pastoral or semi-pastoral. The three annual festivals, Matzoth, Katzir and Asif, which marked respectively the beginning of the harvest season, the end of the grain harvest and the close of the entire harvest period, and likewise the Sabbath, are all institutions rooted in agricultural life and practice, and altogether unknown and without significance in pastoral culture. The needs of sheep and goats for food and water daily are such that the Sabbath can be observed by shepherds only with extreme difficulty, if at all; certainly it could not have had its origin in pastoral life.

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[106] For v.28b LXX reads, ויכתב את הדברים האלה על לחת הברית עשרת הדברים. Manifestly this reading is late, and was rearranged from the present MT in order to harmonize this verse with vv.1–5. This fact, however, helps not one whit in determining whether the words עשרת הדברים are original in the verse or not, since clearly, even if secondary, they are older than the LXX version of the passage.

On the other hand, the institutions of the sacrifice of firstlings and first-born, of the Passover-festival and its peculiar sacrifice, and the command not to boil the kid in its mother's milk, unquestionably had their origin and primary purpose and significance in the early stages of pastoral culture, or perhaps, in part at least, in a stage of cultural evolution even earlier than this. In this code, however, they give the impression of survivals of a partly outgrown culture and religious practice. The origin and primary meaning and purpose of the command not to boil the kid in its mother's milk are apparently entirely unknown, and not improbably were not clearly understood even by the legislators who framed the K, C or D codes, in all three of which the command occurs. In all likelihood, as we have suggested, the practice had its origin in some early animistic belief or magical rite, dealing with the increase of the flocks.

We have already seen that in K the Passover is well on its way to oblivion as an independent festival. Merely the Passover-sacrifice survives in this code, but the festival itself has already been absorbed in the agricultural Matzoth-festival; and the sacrifice of firstlings and first-born, under the normal conditions of pastoral culture offered in connection with the celebration of the Passover, are here offered at the Matzoth-festival. In the C code even the Passover sacrifice has disappeared completely, while the sacrifice of firstlings has become a matter of secondary significance, and has, in consequence been dissociated from its connection with any particular festival celebration.[107]

Likewise the command not to offer animal sacrifices with leaven was clearly designed to maintain the old institution of animal sacrifice, intimately associated with the former pastoral culture, in much the ancient, traditional manner, free from all innovations of later agricultural life, such as the use of leavened bread.

We have seen too that in the K code the altar, while by no means necessarily unknown, apparently was not as important and indispensable as in the C code. The Passover sacrifice, at least, was still offered at home, and in this rite the altar played no role whatsoever.

The command, too, not to make molten images exhibits the same background. Regardless still of whether this command forbids the use of all images whatsoever, or merely those made of molten metal, it is clear that this code must have been compiled at an age when not only the art of molding images had reached a fairly advanced stage of development, but also the use of such images. These were probably made, occasionally at least, even of gold and silver, as well as of the less costly bronze, iron or lead.

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[107] It is interesting to note that the name פסח was revived by the Deuteronomic legislators. In Deut. 16.1–8 this is the only name given to the festival, and the name חג המצות, used by both K and C, is not mentioned once. Moreover the ceremony of eating matzoth is there made secondary and incidental to the eating of the Paschal lamb. This ceremony is of course performed at the central sanctuary, and no longer at the home, while other significant ritual changes are also introduced. The festival is reinterpreted, no longer primarily as a mere pastoral, or a combined pastoral-agricultural festival, but as a historic, national festival, commemorating above all else the first significant event in Israel's national life, the exodus from Egypt. This interpretation naturally went hand in hand with the transfer of the scene of celebration of the festival from the homes or the local shrines to the national capital and sanctuary. Probably this fact, and also the consciousness that the Passover was primarily a desert, shepherd festival, and therefore presumably more intimately related to the true Yahwe-worship than the agricultural Matzoth-festival, influenced the Deuteronomic legislators in their revival of the old, and for a time almost outgrown and forgotten name of the festival, פסח. All this I have also discussed in detail in *Rites of Birth, Marriage, Death and Kindred Occasions among the Semites.*

Their use must have been so extensive as to rouse the strong and active opposition of some particular group of religious leaders and cultural reactionaries. This opposition found its expression in this law.

The K code accordingly must have been composed in the Southern Kingdom at a time when the old pastoral life and culture and religious belief and practice were beginning to give way to a more advanced agricultural civilization, with its own peculiar religious institutions and ceremonies. But the old culture did not yield without a struggle. Many of its ancient beliefs and institutions persisted, at least in certain circles, even though their original meaning and purpose had been largely outgrown. It had its strong and doughty champions, who manifestly proved themselves powerful enough to frame and establish as the norm for the Yahwe-worship of their day a code of laws, which, even though sanctioning the observance of a number of religious institutions of agricultural origin and significance, was none the less dominantly pastoral or semi-pastoral in character. These four agricultural institutions, the Sabbath and the three festivals, were so fundamental, and probably, by the time of the composition of the K code, had become so deeply rooted in the religious practice of the people, that their observance had come to be generally regarded as altogether natural and beyond question, and their incorporation into the religious system of this code must have been in consequence half, if not completely, unconscious.

This conclusion with regard to the cultural and religious background of the K document is borne out completely by its narrative portion. There we have the primitive picture of a deity in human shape, but of gigantic size, with a face, a back and hands. He dwells upon a mountain out in the desert. He is Yahwe; but He is still conceived of as a local deity, who has not yet taken up His abode in Palestine. According to tradition, as we have seen, this conception of Yahwe continued in force as late as the time of Elijah, and apparently was firmly believed in even by this great prophet in the second quarter of the 9th century B.C. Moreover, according to the K narrative, Yahwe was worshiped first, not by Israel, but by the little Kenite tribe. During the historical period this tribe was intimately associated with

Israel, and particularly with the tribe of Judah; yet it apparently preserved its tribal identity and pastoral or semi-pastoral existence for a very long time, and was never, or at least not until very late, completely absorbed in Judah. Moreover, the K narrative tells that Yahwe became Israel's God only through the establishment of a covenant between Him and Israel through the mediation of Moses.

This narrative, with its primitive character and associations, harmonizes in every respect with the dominantly pastoral or semi-pastoral tone of the code of laws associated with it. The purpose of the narrative is obvious; it is to represent the covenant entered into by Yahwe and Israel, on the basis of a small code of laws, setting forth the fundamental principles of Yahwe-worship according to the conception of semi-pastoral, religious reactionaries in the midst of an evolving agricultural environment, as having been instituted long before by Moses immediately after the exodus from Egypt and on the occasion of the traditional first contact of Israel with Yahwe. This procedure gave to this code of laws a strong sanction in the mind of the people at large, which, as a mere contemporaneous document, it would not have possessed. Obviously it was the same procedure that was employed with the later C and D covenant codes. The question before us now is, just when and under what conditions was the K document composed?

There is just one moment in the early history of the Southern Kingdom which suggests itself in answer to this question; it is the religious reformation of King Asa. The long and eventful reign of David had established Israel as the foremost state of Western Asia. He had in fact succeeded in founding a little Israelite empire, extending from the desert, or even from the Gulf of Akaba, on the south to the Euphrates on the north, and from the Mediterranean on the west to the desert on the east. His son Solomon continued this work of empire building. He organized it systematically into districts in order to facilitate its efficient administration, and centralized and unified its government in every way possible. His long reign was one of comparative peace and consequent internal quiet and prosperity. The nation itself was well unified, at least on the surface. It no longer had aught to fear from inter-tribal strife within or threatening enemy without. A powerful standing army and royal body-guard guaranteed security on all sides. For the first time in their history the people were free to devote practically all their time to various economic occupations, chiefly agriculture; and for the first time in their history they began to raise crops in quantities far larger than they needed for home consumption. There was only one way to dispose of their surplus products, by barter for the products of foreign countries, with the Phoenician and other merchants, who now began to frequent the land in numbers far vaster than ever before. Not that there had never been such bartering previously, but never upon a scale as general and extensive as this. In consequence within a comparatively brief space of time the whole mode and standard of living of the people had been greatly modified. Articles of wearing apparel, of food or of household equipment, which formerly had been the rarest of luxuries, now became indispensable requirements of every day life. Contact with these foreign merchants and the news of the world which they brought and the tales which they told, broadened the horizon of the people and helped to raise their standard of living.

But even more, it was not long before the people began to realize for themselves the economic advantage of commerce over against or supplementary to agriculture. Slowly but surely a small merchant class began to develop. Naturally not every man who gave up his former agricultural occupation to go into business succeeded. Some failed; and with the loss of property and ancestral estates, they had no alternative but to sell themselves and their families as slaves. Others, however, succeeded in business, and in time, as was to be expected, became rich. And their wealth enabled them to live upon a scale of culture and luxury far surpassing, and no doubt greatly envied by, their less prosperous brethren. For the first time class distinctions manifested themselves in Israel's history.

Solomon furthered this new economic policy and progress of his country in many ways. Realizing apparently that he could never hope to compete with the Phoenicians in the Mediterranean world, due both to their long-established and far-reaching commercial connections there and to the complete lack of adequate harbors along the Mediterranean coast, he attempted to exploit another and perhaps even richer commercial field, to which the Phoenicians had no ready access, but which he could easily reach through his control of the desert roads, the field of the Red Sea and the vast Indian Ocean. The friendly relations which he maintained with the Phoenicians, the Egyptians and other foreign nations furthered the commercial activities and prosperity of his people. These friendly relations he cemented in the traditional manner, by contracting marriages with numerous foreign princesses, particularly the princess of Egypt.

These ladies naturally brought with them into Israel large retinues of native servants and attendants. For each one, or at least the most important, Solomon, in accordance with the then standards of propriety, provided her own palace or private quarters, where luxury reigned supreme. And for each foreign wife, with all her native retinue, and for the many visiting foreign merchants, opportunity had unquestionably to be provided to worship their own native gods with their own particular rituals. In various parts of the country, in all likelihood, but particularly in the Temple area in Jerusalem, the capital, little sanctuaries of countless foreign deities sprang up in a trice; and before the eyes of the people of Israel, with their own standards of living changing so rapidly, were unfolded the cults of all these strange gods, with rituals so different, and in most respects so much more elaborate than their own simple, half pastoral, half agricultural Yahwe-worship. It was inevitable that the latter should be greatly affected thereby. Gradually strange modes of worship were introduced into the Yahwe-cult, the use of incense no doubt, and idols of molten metal, even the precious metals, silver and gold, and the like. Not that the use of idols was unknown in Israel before, even idols of silver; but never upon the present scale and never idols representing so many strange deities. Furthermore the unprecedented prosperity of the people gave occasion for offering all manner of sacrifice on occasions and in quantities unheard of before. The forms and standards of Yahwe-worship were changing quite as rapidly and as largely as were the economic and cultural standards of the people.

And one further and very natural tendency, the drift from the country to the city, from the villages to the larger cities, and especially to the capital, Jerusalem. In the main it was of course the wealthy merchant class who were influenced in this way. In the cities, and especially in Jerusalem, they came in close contact and established warm relations with the military and administrative groups. A kind of aristocracy was the natural development, with its apex of course in the royal court.

During the long and prosperous reign of Solomon this development continued and made great headway. But with his death, and the accession to the throne of the weakling Rehobeam and the ensuing division of the kingdom, the process came to a sudden end. Almost in a night the empire which David had built and Solomon had solidified, crumbled. The vassal states quickly declared their independence. To the north-east Damascus became the center of a kingdom, composed of former little Aramæan tribal states, in quite the same manner as the kingdom of Israel had evolved out of the original independent tribes or tribal groups after David had thrown off the Philistine yoke. This new kingdom of Aram was a constant thorn in the side of both kingdoms of Israel for one hundred and thirty-five years. Civil war likewise ensued quite naturally between the two Israelite kingdoms, with the result that once more the people were compelled to divide their time between military and economic activities. No longer therefore could they raise crops in amount larger than they needed for their own use. No longer could they barter upon the former extensive scale for foreign commodities. The merchant class no doubt struggled to weather the storm, hoping for an eventual return of prosperity. Some in all likelihood, with large resources, did succeed in adjusting themselves to the new conditions, and along with the court itself and the remaining aristocracy which survived the national catastrophe, went steadily upon their way of luxury and culture, with its foreign, non-Yahwistic institutions and practices, and with its garish display of wealth and extravagance, much as before. Those merchants who were less fortunate, succumbed. The majority must have lost everything, and now, in their turn, recruited the ranks of the discontented and embittered paupers and slaves. And outside of Jerusalem the middle class, formerly the only class within the nation, steadily followed their old occupations of agriculture and, particularly in the south, sheep-raising. No doubt they blamed, secretly or openly, their rulers and the aristocratic party for the loss of their former national prosperity. And in all likelihood the aristocratic party in turn took little note and gave less concern to these developments. Manifestly a crisis was impending.

It finally broke some thirty-three years after the division of the kingdom. In his fifteenth year, i.e. in 899 B.C., we are told in I Ki. 15.13, Asa, the great-grandson of Solomon, removed his mother Maachah from her high position as *g^{e}birah*, probably queen-regent, because she had made an idol, for some particular reason designated as a *mifleṣeṯ*, in honor of Ashera. The idol itself he burned in the Kidron Valley. This is the only specific detail of the reformation of Asa which this passage gives. The preceding verse tells, in a manner quite general and characteristic of the thought and style of the Deuteronomic authors of the Book of Kings, that Asa removed from the land the sacred harlots and the idols which his fathers had made. This statement has apparently no historical significance whatsoever; but it is equally certain that these Deuteronomic writers could not have fabricated the specific incident of Maachah and her idol, but must, instead, have culled it from some ancient source.

Considerable additional light is shed upon this interesting incident by the parallel account in II Chron. 14.1–4 and 15.1–18. 14.1–4, quite in the Chronicler's characteristic manner, summarizes his account of the reformation of Asa by representing it as complete, final and conventional in every way. No specific incidents are recounted here. Asa removes all the altars, high places, sacred pillars, and other objects essential to non-Yahwistic worship, and thus brings Israel back once more to the true worship of Yahwe.

In contrast to this, the account of this reformation in 15.1–18 is less sweeping and more specific. Here the reformation is not as far-reaching and complete as in 14.1–4. The high places are not removed, and the reformation takes a particular direction. In this respect this account in II Chron. 15.1–18 agrees fully with the account in I Ki. 15.12–14; and in v.16 it repeats the incident of the removal of Maachah and the destruction of her idol in language almost identical with that of I Ki. 15.13. But preceding this II Chron. 15.1–15 contains a number of specific details of this reformation of more than passing interest.

It tells how this reformation was instigated by a certain Azariah ben 'Oded,[108] upon whom the divine spirit rested. He appeared before the king and challenged him to reflect that Yahwe would be with Israel only so long as they would be with Him, that if they would seek Him truly, they would surely find Him, but if they were faithless to Him, He in turn would surely forsake them. Stirred by this unanswerable argument and by the prophetic message of Azariah, Asa summoned all the people to Jerusalem in the third month of his fifteenth year. There they offered sacrifices and entered into a covenant with Yahwe to worship Him truly and Him alone, and they sealed this covenant with an oath. Thereupon it was that Asa removed his mother Maachah and destroyed her idol.

It is hardly likely that this tradition was the invention of the Chronicler, even though some of the editorial insertions in the chapter may well emanate from him. As we have seen, his account of this reformation is given in 14.1–4, and is not only quite conventional, but also contradicts in a few details the account of 15.1–18.

Moreover this narrative here, and particularly those details which are missing from the account of I Ki. 15.12–14, bear all the earmarks of antiquity and originality. It is significant that Azariah's representation of Israel's relationship to Yahwe is that of a covenant with perfect mutuality between the two contracting parties; so long as Israel worships Yahwe truly, Yahwe will protect and prosper Israel; but if Israel is faithless to Yahwe, and particularly, it would seem, if Israel worships other gods, and employs idols in its worship, and practices strange rites not commanded by Yahwe, then the covenant will automatically be abrogated, and Yahwe will in turn forsake Israel. It is true that this thought too is conventional; but it was the conventional thought only of the pre-exilic prophets; the post-exilic prophets had an entirely different dogma, viz. that despite Israel's sins and faithlessness Yahwe must still forgive and keep it as His people, whether for His name's sake, as Ezekiel taught, or to fulfill His divine purpose of world-wide salvation, as Deutero-Isaiah proclaimed, or for some other reason. Only Deuteronomic writers at the very latest could have conceived of the covenant idea in the manner of II Chron. 15.2. Manifestly therefore this narrative cannot have been invented by the Chronicler, but must have been drawn by him from some older, pre-exilic source.

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[108] Both Lidzbarski (*Ephemeris für semitische Epigraphik*, III, 8, following Halevy), and Montgomery (*JBL*, 28 [1909], 69) suggest that עודד probably means "diviner", and is here an official title rather than a proper name.

Likewise in v.3 the term כהן מורה, "oracular priest," and the use of תורה in its old sense, "oracular decision" or "revelation," indicate a literary origin Deuteronomic at the very latest. But the remaining details, the account of the solemnization of the covenant and its sealing with a sacrifice and an oath, and the fixing of the exact date thereof, together with the account of the disposal of Maachah and her idol, are too specific to have been created by the fancy of Deuteronomic writers. We may posit this no more than we may posit that the Chronicler himself fabricated the entire story. The very fact that, with the exception of the single Maachah incident, this entire narrative is not found in I Ki. 15, is the best proof that the Deuteronomists did not invent the story; for had they done so they would certainly have included it in their narrative in I Ki. 15. On the other hand, assuming that this narrative, or at least its nucleus, is of pre-Deuteronomic origin, we can easily understand the motives of the Deuteronomic authors of I Ki. 15 in omitting it from that passage. Its similarity to the Deuteronomic account of the reformation of Josiah is self-apparent; and in their partiality for their own reformation, they naturally minimized the significance of all preceding reformations, not only this of Asa, but also that of Elisha and Jehu and that of Hezekiah as well, as we shall learn in due time. Consequently in I Ki. 15. 12–14 they contented themselves with a mere general statement about this reformation of Asa, cited the one specific instance of the removal of Maachah and the destruction of her idol, and then added the to them all-important note that of course this was by no means a complete and final reformation; the high places had not yet been removed, and in consequence much still remained to be done in the way of the purification of the worship of Yahwe.

These considerations indicate that the Chronicler drew his account of the reformation of Asa from some older, pre-Deuteronomic source, one to which the Deuteronomic authors of I Ki. 15 also had access, but from which, for reasons of their own, they culled only one incident, whereas the Chronicler drew far more generously upon this source, although, in his characteristic manner, he elaborated his material freely. This is confirmed by one interesting fact; I Ki. 15.13 tells that Asa cut down the *mifleṣeṯ* of Maachah and burned it in the Kidron Valley. II Chron. 15.15 employs exactly the same language with the addition of one little word. It tells that in addition to cutting down the image, Asa had it ground into dust before he burned it. This reminds us strongly of almost the identical procedure of Moses with the golden calf. Ex. 32.20 tells that Moses burned the calf in fire, then ground it into fine dust, which he strewed upon the surface of the water, and which he then caused the people to drink. The Deuteronomic version of this incident[109] omits all reference to the people being compelled by Moses to drink this water, and tells merely that Moses strewed the dust of the image upon the stream which came down from the mountain. Manifestly this Deuteronomic version of the disposal of the golden calf approximates the Deuteronomic account of Asa's disposal of his mother's image more closely than does the narrative in Ex. 32.20. Unquestionably these two narratives are closely related. The Kidron Brook, flowing in the bottom of the Kidron Valley, could have provided the water upon which Asa might have had the ashes of the *mifleṣeṯ* strewed, just as Moses strewed the ashes of the golden calf upon the water at the foot of the mountain.

Still another consideration points to the association of the story of the golden calf with this of the destruction of Maachah's *mifleṣeṯ*. Here we are told that this happened in the third month, at a time when the king had summoned all the people to Jerusalem to solemnize this covenant. But we may be sure that in the original version of this incident the occasion of the people's assembling in Jerusalem was not the mere command of the king, but, just as in II Ki. 23.21 the gathering of the people in order to observe the Passover gave the occasion for the solemnization of the Deuteronomic covenant, so here, the gathering of a large group of the people for the celebration of the Katzir- or Shabuoth-festival in the third month furnished the occasion for the solemnization of the covenant of Asa.

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[109] Deut. 9.21.

Now the story of the golden calf tells that while Moses was upon the mountain the people, assembled below, celebrated a *ḥag* or religious festival, at which the calf was the center of worship. Likewise Ex. 19,1 states that it was in the third month that Moses went up the mountain to receive the ten commandments; and tradition has steadily associated the giving of the ten commandments and the solemnization of the covenant between Yahwe and Israel on the basis of these with the Shabuoth-festival in the third month. Here then is another significant point of contact between the account of Asa's destruction of his mother's *mifleṣeṯ* and the story of the golden calf.

And still a third point of contact between the two narratives may be seen in the fact that in both the destruction of the golden calf and the destruction of the *mifleṣeṯ* are followed by the solemnization of a covenant between Yahwe and Israel. This is the crowning act of both narratives.

Nay more; II Chron. 15.14–15 tells that the people seal the covenant in the reign of Asa with an oath. This is of particular significance. A covenant implies a compact, mutually obligatory upon both contracting parties, and with the conditions to be observed by each clearly stated, or at least clearly understood. We have seen just how these conditions were complied with and what the basis of the covenant in the K document was. We can hardly conceive of the covenant in the reign of Asa without presupposing some parallel procedure and some formulation of the fundamental principles which the people obligated themselves to observe in their subsequent worship of Yahwe. We have also seen that the K document must have contained originally an account of the solemnization of the covenant, quite similar in every essential detail to the account of the solemnization of the covenant in C, found in Ex. 24.4–8. In particular it must have concluded with a formal acceptance of the covenant by the people by means of a declaration similar to that of Ex. 24.7b, "All that Yahwe hath said, we will do." Just such a declaration as this made the covenant binding and effective. And not only must the K document have contained some such statement as this, but likewise the covenant in the reign of Asa, and every similar covenant between Yahwe and Israel, must have been similarly ratified. Consequently we may conclude that the reference in II Chron. 15.14–15 to the oath by which the people ratify the covenant in the reign of Asa refers to just such a declaration as this. This constitutes a further parallel between the narrative of the solemnization of the covenant in the reign of Asa and that recorded in the K document. We need therefore hesitate no longer in identifying the two incidents and in regarding the incident of the covenant in the reign of Asa as the original and the historical antecedent of the tradition of the covenant recorded in the K document.

This implies, of course, some direct relationship between the K document, or rather the fragment of the K document preserved in Ex. 33 and 34, and the story of the golden calf in Ex. 32. This does not mean necessarily, however, that Ex. 32 or any part thereof must belong to the K document. Ex. 32 is one of the most difficult chapters in the Hexateuch to analyze satisfactorily, as a reference to any of the standard commentaries will show. This is due quite as much to the obscurity governing some of the details of the narrative, as, for example, the peculiar incident of the Levites in vv. 26–29, as to the fact that the chapter is manifestly a patchwork from several sources, and furthermore that it has been reedited more than once and from various points of view and for varying purposes. An altogether satisfactory analysis and interpretation of the chapter have probably not yet been offered. It would be futile to assert here that any part of this chapter was actually culled from K. It suffices to posit that K must have contained a tradition telling that at the mountain of Yahwe Israel did worship a molten image of some kind, similar to the golden calf here or to the *mifleṣeṯ* of Maachah, and that because of this Yahwe commanded Moses to lead Israel away from the sacred mountain; this tradition gradually, through restatement and accretions from successive writers and editors, developed into the present narrative of the golden calf. It is noteworthy that Ex. 32.4 and 8, Deut. 9.16 and Ps. 106.19 call the calf a *massekah*, a molten image; and whatever the image of the original K narrative may have been, it too must have been a *massekah* likewise, just as the *mifleṣeṯ* of Maachah no doubt actually was also.

This circle of evidence and argument makes clear the full import of the first two laws of the K code, "Thou shalt worship no other god," and "Thou shalt make no molten idols." These two laws, which undoubtedly express the dominant spirit and purpose of the K code and narrative, have a twofold meaning when we understand that, as introductory to them, the K document must have told that Israel had actually worshiped at the sacred mountain of Yahwe the molten image of some other deity. But they have even more than a twofold meaning if we realize that they sound the keynote of the first great religious reformation in Israel, directed against the image-worship of the Southern Kingdom in the fifteenth year of Asa, and particularly against the extraordinary image, called specifically the *mifleṣeṯ*, which Maachah, the queen-mother, had made.[110]

In all likelihood Maachah was the leader of the aristocratic, cultured, court party, which upheld with all their power the modes of life and worship which had been in vogue among them since the days of Solomon. The opposition to them must have been growing stronger with each passing day. The leaders of this opposition were undoubtedly the prophets of the day, reenforced by various elements, among others, as we shall see in time, by the very descendents of the Kenites, the Rechabites. Their program was the restoration of the old, simple worship of Yahwe and its purging of all foreign, idolatrous elements, particularly the use of molten images, such as the *mifleṣe̱t* of Maachah. This must have seemed to them the arch-symbol of all that was non-Yahwistic and impure in their official state-religion; it must have vexed and irritated them beyond all else, and against it in particular their iconoclastic rage must have been especially directed.

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[110] Perhaps we have here too the key to the explanation of the change of אלהי מסכה, "gods of molten metal," of 34.17 to אלהי כסף ואלהי זהב, "gods of silver and gods of gold," of 20.33. For, as we maintain, the C code was the product of the reformation of Elisha and Jehu in the Northern Kingdom in 842 B.C. Therefore, it marked the climax of the long period of agricultural, commercial and political prosperity of this Kingdom under Ahab and his dynasty. And in its reform purposes it combatted no doubt not only the many images of the Tyrian Baʿal and kindred foreign deities, whose cults had been introduced into Israel, but it was also directed in all likelihood against the golden Baʿal images in the form of a bull or a calf which Jeroboam had set up at Dan and Bethel (I Ki. 12.28). These and similar images made of the precious metals, probably comparatively common in the Northern Kingdom during this period of material prosperity, would be designated more specifically and aptly as "gods of silver and gods of gold" than as merely "gods of molten metal."

Fortunately for them Asa seems to have come to the throne as an immature and impressionable youth, or even boy. This is to be inferred from the fact that his father had died after a reign of barely three years, and that his own reign endured for forty-one years. Not improbably his mother Maachah had acted as regent during his minority; for this seems to be the implication of the statement of I Ki. 15.13 that he removed her from the *g^{e}birah*. The word itself can mean both "queen" and "queen-mother," and also designate the person bearing this title as the ruler. But in the capacity of queen or queen-mother alone Maachah could scarcely have been removed from her position. This could happen only if she had been acting as regent, and if at a certain time, when he became of age, as it were, or reached the age of maturity and responsibility, Asa deposed her from her high office and took the reigns of government in his own hands. The young king seems to have been, like his son Jehosaphat and other, later members of his dynasty, particularly amenable to prophetic influence. At any rate the narrative of I Ki. 15.13 and II Chron. 15.1–18 seems to imply that after fourteen years of nominal reign, in his fifteenth year, when he had reached probably the age of discretion, and was also no doubt influenced by his prophetic advisers, he turned against his mother and her party. He removed her from her high position and shore her and her party of all power. He destroyed her *mifleṣe̱t*, and then introduced a far-reaching religious reform, directed chiefly against the elaborate image-worship of the day, and designed to restore, as far as this was possible, the true Yahwe-worship in all its pristine simplicity and purity, particularly as conceived by the prophets of his day and their associates, among others, the Rechabites. The program of his reformation was furnished, we believe, by the little code of laws of K.

Certainly this code and the entire K document mirror well what must have been the conception of Yahwe and Yahwe-worship prevailing in that early day, particularly among the reactionary group of prophets and their followers, the farmers and shepherds, the villagers and semi-nomads, of Judah. The conception of Yahwe depicted in the narrative portion of K, was still, as we have seen, the conception of the prophet Elijah a generation after this reformation. Still in Elijah's day, it is clear, the prophetic party believed that Yahwe dwelt, not in the temple at Jerusalem, but on His sacred mountain out in the desert, and in the cave upon this mountain His closest and most ardent devotee might hold communion with Him.

Certainly too the cultural and economic conditions, which we have established as the background of the K code, obtained in the Southern Kingdom more completely during the reign of Asa than at any other time in its history. It was late enough for the old pastoral life and religious institutions to be largely, though not yet entirely, outgrown, for the Passover-festival to have been absorbed by the agricultural Matzoth-festival, but for the old Passover-sacrifice, offered for the protection of each home and its inmates, to be still observed. It was still early enough for other ancient, pastoral institutions to survive spontaneously, although without full understanding any longer of their original import, such as the custom of not seething a kid in the milk of its mother. First-born children were still sacrificed, and firstling animals were still offered in large numbers at the annual Matzoth-festival, which had come to take the place of the old, pastoral Passover. But other religious institutions of unmistakable, agricultural origin, such as the Sabbath and the three annual harvest festivals, had been celebrated for so long a period, that they had become firmly-rooted and beyond all suspicion as to their Yahwe-character in the practice of the people at large, even those of the prophetic party. This stage of development could hardly have been reached much before the time of Asa. And on the other hand, we can hardly conceive of the institutions surviving from the old, pastoral days still spontaneously having the force and validity which they clearly have in the K code, at a time much later than that of Asa.

Moreover, the strongly reactionary character of the K code, which we have noted, finds its most natural explanation in the reformation of Asa. For that was essentially a reactionary reformation, away from the unquestionably higher cultural standards of the aristocratic court party, with their roots in commercial activities, foreign contacts and royal, autocratic government, back to the old, simple, semi-agricultural, semi-pastoral standards of the prophet-people party.

And finally, there is the significant fact of the Kenite origins and background of the K document. This can be accounted for, as has been intimated, only by the assumption of some form of Kenite interest or participation in this reformation. The dependence of the little code which constituted the nucleus of the Book of the Covenant upon the code of the K document has been already established. In the sequel to this paper, in which we shall make a detailed analysis of the entire Book of the Covenant, and determine its literary history, we shall have to come to the conclusion that the original C code constituted similarly the program of a reformation, that of Elisha and Jehu, in the Northern Kingdom in 842 B.C. Of course we might account for the transmission of the K code, a half century after its composition, from the Southern Kingdom to the Northern Kingdom, and its reinterpretation there to meet the conditions of that part of the country at that particular period in various ways, especially by the assumption of close prophetic contacts between the two parts of the country.

But a far more probable explanation suggests itself. II Ki. 10.15–16 tells of the presence of Jonadab ben Rechab in the Northern Kingdom just at the time of the Elisha-Jehu revolution and reformation, and of his participation therein. The nature of his participation is not clear, but it must have been active and significant to receive even this mention. Still in the days of Jeremiah[111] the Rechabites were regarded as the faithful and uncompromising champions of the old pastoral life and simple worship of Yahwe. Their native abode must have been in southern Judah, but because their country was then overrun by the invading hordes of Nebuchadrezzar and other enemies, they had sought refuge in Jerusalem. They looked back to their ancestor of almost three centuries past, Jonadab ben Rechab, as the one who had established those standards of Yahwe pastoral life and simple worship for them.

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[111] Jer. 35.2ff.

We can account for the presence of this very Jonadab in the Northern Kingdom, far from his native home, at the very moment of the Elisha-Jehu revolution and reformation, and for his contact with Jehu at the critical moment not as an accidental thing, but as purposed. He must have been an influential and active participant and leader in that reformation. And since he had come from the South, he it probably was who transmitted the Southern K code to his Northern associates. But his interest in this K code can be best explained by the assumption that he himself in his early days, fifty-seven years before this, or more likely his father or grandfather before him, had played an active and determining role in the reformation of Asa in the Southern Kingdom and in the framing of the K code then. But according to I Chron. 2.55 the Rechabites were descended from, or probably better were a clan of, the Kenites.[112] Certainly the Rechabites' native home was just in that part of Judah in which Jud. 1.16 and 4.11 and I Sam. 15.6 represent the Kenites as dwelling. We can therefore best account for the strong Kenite tradition and background of the K document by the assumption that the Kenites, or more specifically the Rechabites, were active participants in the reformation of Asa in 899 B.C. as well as in that of Elisha and Jehu in 842 B.C., and that they made their own large and specific contribution to the content and character of the K document.[113]

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[112] Cf. Luther, in Meyer, *Die Israeliten und Ihre Nachbarstämme*, 132f.

[113] This suggests a possible and plausible explanation of one question raised by this code, viz. that of the sacrifice of firstlings. We have seen that 34.19a undoubtedly commands the sacrifice to Yahwe of all firstlings and first-born children. This command is absolute. Yet it is by no means improbable that it too, like several other laws of the K code, is distinctly reactionary in character. It may well have been that the culturally advanced and progressive court party had largely outgrown the institution of child sacrifice already at this early date, and perhaps even practiced the substitution of an animal sacri-

On the basis of this by no means inconsiderable mass of evidence we may conclude with reasonable certainty that the K code and document were composed in the Southern Kingdom in the fifteenth year of Asa, 899 B.C., by the leaders of the prophetic party in close association with the Rechabites of the Kenite tribe. Influenced by them, and with their little code of laws as his guide, Asa brought about the first great religious reformation in Israel.

fice for that of children, or in some other approved and conventional manner evaded the original grim and grievous sacrifice. But a movement whose aim was to reintroduce the old Yahwe-worship in all its original simplicity, even despite its primitive severity, particularly as it was believed to have been practiced in the former pastoral or semi-pastoral days, might well have gone so far as to insist upon the restoration of first-born sacrifices along with those of firstlings. Not impossibly they might have even justified their demand for this restoration by the theory that the various national calamities which had recently befallen Israel, had been brought by Yahwe, enraged and as a proper punishment, because He had been deprived of His proper due, viz. the sacrifice of first-born children.

Such an argument and such a procedure would not be without exact parallel in Semitic religious history. Thus the Carthaginians accounted for the defeat of their armies and the siege of their city by Agathocles of Syracuse by the supposition that Saturn was angry against them because they had permitted the sacrifice of other children, secretly bought and substituted for the first-born children of their noble families. Accordingly, to appease their enraged deity and save themselves and their city, they now sacrificed some five hundred of the children of their first families (Diodorus Siculus, 20.14.) Quite similarly the Bible tells that the king of Moab, besieged in his capital by Israel, and in desperate straits, sacrificed his first-born son, who was to become king after him, upon the wall of the besieged city in the sight of the armies of Israel. This sacrifice was undoubtedly designed to regain the favor of a deity, presumably angered because this supreme sacrifice, which was his old, established due, had been withheld from him. Apparently the sacrifice was believed to have been efficacious, for immediately thereafter, and for no apparent reason whatsoever, the armies of Israel withdrew from the siege of the city (II Ki. 3.27). (This evidence might be multiplied considerably, were it necessary. I have discussed this subject in great detail in *Rites of Birth, Marriage, Death and Kindred Occasions among the Semites.*) In the light of these instances the hypothesis becomes extremely plausible, and when considered in connection with the manifest reactionary character of the K code, even quite probable, that this law commanding absolutely the sacrifice to Yahwe of all first-born, like other laws of this code, was also reactionary in character, away from a more advanced and milder practice, and may have been due in considerable measure to the uncompromising, fanatical influence of the pastoral or semi-pastoral Rechabites.

Both in character and in the method of procedure this reformation of Asa became the model for all later prophetic reformations in Israel, the reformations of Elisha and Jehu in 842 B.C., the reformation in the reign of Hezekiah, likewise directed against idol-worship, and specifically against the image of the brazen serpent,[114] and the Deuteronomic Reformation in the eighteenth year of Josiah.[115] In fact the parallelism between the reformation of Josiah and that of Asa is startlingly close. In both cases we have a king ascending the throne as a mere lad, coming under the strong influence of the prophetic party, and finally, after fifteen years in the one case and eighteen years in the other, induced by them to inaugurate a sweeping religious reformation, directed chiefly against foreign, idolatrous elements in the cult of Yahwe, and designed to restore the theoretically old, simple Yahwe worship, as the prophets conceived it to have been. Both reformations are carried out upon the basis of a code of laws, ascribed to Moses, the traditional founder of the worship of Yahwe, by Israel; each code of laws sets forth the fundamental principles of pure Yahwe-worship, as its prophetic authors conceived them. It is not at all unlikely that the prophetic procedure in connection with the reformation of Asa suggested to the prophetic party in the time of Josiah the program which they followed in inducing Josiah to inaugurate his reformation.

For in all probability it was just because already in the days of Asa the tradition was strong that Yahwe-worship in Israel began with Moses, that the prophetic authors of the K code represented their code as composed, not by themselves, but as coming from Moses and having been revealed to him by Yahwe. Undoubtedly the ancient traditions supported them in this, or rather furnished the grounds and the justification for this procedure. For no doubt they thought very sincerely, just as did the prophets after them, that they were originating nothing new, but were merely reaffirming and reenforcing the old and sacred principles of true Yahwe-worship, communicated of yore by Yahwe to Moses at the time when He first entered into covenant relation with Israel. The old traditions furnished them with most of the narrative framework and also the general content and the dominant spirit of their code. The rest was their own, largely unconscious creation, springing out of the formulation of the old traditions and traditional principles of Yahwe-worship with relation to the particular religious problem and crisis of their own day. In this way the K document came into being, the oldest document of the Hexateuch.

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[114] II. Ki. 18.4.

[115] II Ki. 22–23.

IX

OTHER POSSIBLE PORTIONS AND CONTENTS OF THE K DOCUMENT.

Still two other passages of the Hexateuch must be closely correlated with the K document, both at least as to content and one as to literary form. The first of these is the account of the "tent of meeting" in Ex. 33.7–11. I have treated of this passage in great detail in a previous article,[116] and have shown there that although the vast majority of Biblical scholars assign the passage to E, the evidence is ample and convincing that it must belong to J. Characteristic of J are the theophany in the pillar of cloud at the door of the tent in vv. 9f., the fact that Moses speaks to Yahwe face to face, and the youthful Joshua, the personal attendant of Moses and his apprentice in the oracular priesthood, remaining constantly in the tent in order to receive the oracle whenever Yahwe should choose to communicate it.

The tent appears here for the first time unexpectedly and without previous preparation. Despite this, upon this, its very first appearance it has the article, is already "*the* tent." Scholars have accounted for this by the assumption that the tent was made from the jewels and ornaments of the people referred to in vv. 5bc–6. This is, however, both a gratuitous and an unjustified assumption. In the first place, those two verses come from E, and not from J, as the reference to Horeb in v.6 indicates. They parallel the J account of the giving of their ornaments by the people to Aaron in order to make the golden calf, in Ex. 32.2–3. And on the other hand a tent such as this could hardly have been made from the jewels and other personal ornaments of the people; some more substantial material would have been required. Manifestly vv. 7–11 have no connection whatsoever with the verses immediately

[116] "The Tent of Meeting," *AJSL*, 38 (1918), 125–139.

preceding, nor at first sight apparently also with the fragment of the K document which follows.

But, as I have shown in the afore-mentioned article, this "tent of meeting" was undoubtedly patterned after the sacred cave upon the mountain, of the K document. This tent too was primarily the place of consultation of the oracle, rather than the supposed dwelling-place of the Deity. Within the tent the oracular priest would remain, awaiting the coming of Yahwe with His impending revelation, and at the proper moment he would take his stand in the door of the tent. And there at the door he would meet with Yahwe. Hence the name, אהל מועד, "tent of meeting," the place where the people, through their representative, the oracular priest, would meet with Yahwe.[117] The priest would stand within the door, and Yahwe, apparently, would stand or pass by in the open space in front of the door, and in the moment of standing or passing communicate His will and purpose to the priest. Unmistakably this "tent of meeting" was originally designed to be a representation of the sacred cave of Yahwe, one which the people could carry with them upon their journeyings. And in all likelihood, just because it was the replica of the sacred cave, this "tent of meeting" was, during the early period of their sojourn in Canaan, the place of oracular revelation, and the sacred shrine or palladium of the tribes who, under the leadership of Moses, entered the land from the south. To this tent Yahwe was thought to come, either when summoned in the traditional way by the oracular priest, or of His own free will. That this idea of the coming of Yahwe from His mountain abode in the desert in order to aid or to bring revelation to His people, is no gratuitous assumption, is proved by the specific references to this procedure in Deut. 33.2 and Jud. 5.4. We should perhaps interpret both

[117] Even the Priestly Code preserves a strong reminiscence that the door of the tabernacle was the place where Yahwe met with the children of Israel (Ex. 29.42–43). In this same article I have suggested that the דביר of Solomon's temple and the holy of holies of the tabernacle of the Priestly Code were likewise patterned after the sacred cave. That this was a common institution of west-Semitic temples, and passed from them to the Greeks may be inferred from the fact that the sacred, oracular cave-chamber of the large Greek sanctuaries was called *μέγαρον*, unmistakably a Hellenization of the Hebrew, and probably also Phœnician, מערה, "cave."

these verses as referring, not to a single instance of Yahwe's coming, but to the regular procedure of His coming; "Yahwe comes from Sinai, and shines forth unto them from Se'ir," and "Yahwe, when Thou comest from Se'ir, when Thou steppest forth from the country of Edom."

And having this "tent of meeting" in their midst, and meeting there with Yahwe frequently, through the mediation of their oracular priest, it was easy for the people to worship Yahwe, even though far from His permanent abode. They had no need of idol or cult object or any representation of Yahwe whatsoever; the "tent of meeting" sufficed for all their needs. Only on the rarest of occasions, when he felt an irresistible need and urge to commune with Yahwe directly and in person, did His closest devotee pilgrim to the mountain in the desert where Yahwe was thought to dwell; this was the procedure of Elijah. But for the people at large and for all ordinary occasions the presence of the "tent of meeting" and of the oracular priest in their midst sufficed for all the demands of worship.

It is clear from this that not only is this representation of the "tent of meeting" in perfect accord with the details of the narrative of the K document, but also that the origin and true significance of this "tent of meeting" can be understood aright only with the K narrative as its historic background. Nay more; this "tent of meeting" supplies an important and otherwise missing link in the K narrative and theology; for it alone explains, on the one hand, how it was possible for the tribes of Israel settled in Canaan to worship Yahwe, dwelling upon a distant mountain, and on the other hand it alone accounts simply and naturally, for the otherwise unparalleled and inexplicable antipathy of the traditional Yahwe-worship to the use of images or idols. We must therefore conclude that the original K document contained the account of the making of this "tent of meeting" by Moses, certainly at Yahwe's command, and of the inauguration of its use. In the original K document this stood of course, not where we find it now, before the account of the covenant between Yahwe and Israel, but after it. In all likelihood it followed immediately upon the now missing account of the solemnization of the covenant. Its original position is now filled by the J2 narrative of Moses with the shining face, in 34.29–35. But the original K narrative contained matter of too great religious and historical significance to be discarded completely. Consequently the J2 editors, who incorporated the old K document with their own J code, rewrote the K tradition of the "tent of meeting" to accord with their own theology and conception of Moses and of divine revelation through him, and inserted it, no longer in its original place, since this was now filled by another tradition, but in the only place available, just before the K account of Yahwe's command to Moses to lead the people away from the mountain. That this position was illogical, in that it brought in the "tent of meeting" too soon and without the necessary preparation, apparently did not trouble them in the least.[118]

[118] It is tempting indeed to regard 34.7–11 as taken over bodily from the K document; but this may not be. The evidences of J authorship mentioned above are too strong to permit this. Furthermore there is one very serious and altogether irreconcilable contradiction between this passage and the K narrative, viz. that whereas the K narrative says explicitly, in 34.20, that no man, not even Moses, might behold the face of Yahwe, v.11 says with equal explicitness that Yahwe would speak to Moses face to face, precisely as one man speaks to another. This thought accords of course with the J2 narrative of Moses with the shining face.

None the less it may be that just a slight nucleus of vv.7–11 is quoted literally from the original K account of the "tent of meeting." As has been pointed out, the use of the article in האהל in v.7 implies a previous statement of what tent this was. No such statement occurs in the present text of the Hexateuch; it must therefore have stood in the original, and this original was of course K. Moreover, in this same verse the words הרחק מן המחנה, following immediately upon מחוץ למחנה, seem awkward and somewhat tautological. Certainly the words אשר מחוץ למחנה at the very end of the sentence are altogether superfluous and suspicious. Furthermore the words וקרא לו אהל מועד are, to say the very least, awkward; they suggest that the account of the building of this tent and explanation of its technical name אהל מועד had preceded v.7 in the original narrative, but having been omitted, the editor supplied the missing but indispensable information by inserting, though rather inelegantly, this little note. This implies though that the opening words of the sentence were quoted from the original K version. This probably read, ומשה יקח את האהל ונטה לו הרחק מן המחנה והיה כל מבקש יהוה יצא אל אהל (ה)מועד (or perhaps שמה).

This conclusion is corroborated by another consideration. The last part of this verse, particularly in this, its original form, tells that every one who wished to consult the oracle would go out to the "tent of meeting" at some distance from the camp. The implication is that the priest of the oracle, certainly Moses, remained at the tent all the time, just as v.11b represents his

But if the account of the construction and use of the "tent of meeting" was an integral part of the K document, as we maintain, then unquestionably this was not merely incidental and without specific import. In all certainty it is another and very significant expression of the dominant reactionary spirit of the K document. It represents a striking protest against the Temple at Jerusalem and the elaborate cult associated therewith, both in the worship of Yahwe and in that of the various foreign deities who had found place there. In this year 899 B.C. the Temple at Jerusalem was still a comparatively new institution, certainly not more than sixty-five years old at the very most. Despite the later traditions of Davidic preparations for its erection, this Temple was certainly an innovation of far-reaching character in the religious practice of Israel, and one which could scarcely have met with universal approval. It had been erected by Phœnician architects and artisans and after Phœnician models. Almost from the moment of its dedication the cults of foreign deities had found lodgment in it alongside of an elaborate Yahwe-cult, which had departed far from its pristine simplicity.

Small wonder therefore if the advocates of this reform movement, with its reactionary program and code, looked more or less suspiciously upon the Temple at Jerusalem and regarded it as the

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apprentice Joshua as doing. We shall have strong confirmation of this conclusion shortly. But the central thought of vv.8–11, the work of J2, is not that the people at large would go out to the tent to consult the oracle, but that Moses would go out there, and there, in the sight of all the people, would meet with Yahwe and speak to Him face to face; this is a motif of altogether different character and import; it is rather the motif of the narrative of Moses with the shining face, in vv. 29–30, likewise the work of J2. This told how Moses' face would shine with unbearable, divine radiance whenever he would return to the people in the camp, after conversing with Yahwe face to face at the door of the "tent of meeting." But this was certainly not a part of the original K account of the "tent of meeting." Moreover, if the "tent of meeting" had been located at a considerable distance from the camp, as v.7 states, it would not have been so easy for the people, standing at the entrances of their tents within the camp, to see what was going on at the door of the "tent of meeting." For this reason we must assign the words הרחק מן המחנה in v.7 to the original quotation from K, and regard their parallel, מחוץ למנחה, as secondary. All this, however, makes quite probable our assumption that the above-cited words in v.7 are actually a literal quotation from the original K account of the "tent of meeting."

very center and stronghold of that form of worship which they were seeking to eradicate. What more natural therefore than that, in full accord with their program, they should by implication attempt to denounce and repudiate this elaborate, half-foreign sanctuary, and offer as the proper place of worship in its stead the old, simple, primitive "tent of meeting," modeled after the sacred cave upon the mountain of Yahwe in the desert, the place, not of sacrifice nor of elaborate cult, but of the revelation of the oracle of Yahwe, so essential to Israel's welfare and progress. Along with the return of the old, simple, and to them the only true Yahwe-worship, they advocated most naturally a return to the old, simple, Yahwe-shrine, the "tent of meeting." This would account for the total absence of altar legislation in the K code, which we have noted, all the more significant because of the conspicuous role which this legislation plays in the parallel C code.

It can signify but one thing, the complete disapprobation of, if not the absolute antagonism to the Temple at Jerusalem, of the authors and champions of the K code. And still more, it meant very positively that they did not regard the Temple at Jerusalem as the dwelling-place of Yahwe, nor believed that He had at all taken up His residence in the land. To them Yahwe still resided upon His mountain out in the desert, where Israel had first found Him at the time of the exodus in the days of Moses. There He might still be sought out by His most ardent devotees, and from there He came upon occasion to commune with His people and reveal His will unto them through the media of the "tent of meeting" and the oracular priest.[119] Hence the significance of the specific reference to the oracular priest, the כהן מורה, as a basic institution of the true Yahwe-worship in II Chron. 15.3, and the added statement there that for many years, i. e. since the erection

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[119] Quite obviously there was only one "tent of meeting," and probably also only one oracular priest ministering therein. The tent which David set up in Jerusalem (II Sam. 6.17) was in all likelihood the old "tent of meeting" of his own tribe, Judah, which he had no doubt brought up thither in order to establish it as the national shrine or palladium of the new nation which he had called into existence. (So also Luther and Meyer in the latter's, *Die Israeliten und Ihre Nachbarstämme*, 134ff. and 215). He caused the ark, as we shall see originally the cult object or palladium of Ephraim, to be deposited therein, and with it no doubt the ephod which Ebiathar had brought down to him, when he escaped from Nob (I Sam. 23.6), unquestionably originally the tribal cult object of Benjamin, and probably whatever other ancient tribal cult objects he could gather. He likewise had an altar erected in the tent (I Ki. 2.28f.), probably as a concession to other tribal cults. Thus he gave visible and concrete

illustration to the principle that Yahwe was now no longer a mere tribal god, but altogether the national god of Israel, the summation or composite, as it were, of all the old tribal gods. Probably David had in mind, at least at first, no national sanctuary beyond this. In fact II Sam. 7.6 states very explicitly, and probably in this records an ancient and authentic historical tradition, that Yahwe at first rejected the idea of a temple of wood and stone and expressed a decided preference for His ancient tent sanctuary. (Cf. Sellin, in *Alttestamentliche Studien Rudolf Kittel zum 60. Geburtstag dargebracht*, 172ff.) Later tradition, however, which came in time to recognize the Temple at Jerusalem as the established and legitimate national sanctuary, naturally represented this tent of David in Jerusalem as a mere temporary sanctuary, preparatory to the Temple itself.

After the Temple had been erected by Solomon, and the original "tent of meeting" had in all likelihood been discarded, and probably had even disappeared, the several, ancient, tribal, cult objects originally deposited therein, and from there transferred to the new Temple, suffered various fates. The old ark of Ephraim came in time to be reinterpreted, first as the chest containing the two tablets of stone upon which the ten laws of the covenant were inscribed, and later, in the post-exilic Priestly Code, in addition thereto, as also the throne of Yahwe, upon which He dwelt in the holy of holies in the midst of Israel. Other original tribal cult objects no doubt gradually lost their significance and disappeared under the influence of developing national and later universalistic, religious thought. The brazen serpent, which was destroyed in the reformation of Hezekiah (I Ki. 18.4), and which probably played a role with relation to that reformation parallel in every way to that which the *mifleṣeṯ* of Maachah played with relation to the reformation of Asa, was in all likelihood just such an original tribal cult object. As late as the reign of Hezekiah, it would seem, it had retained something of its original aspect as a cult object and was still actually worshiped by the people at large. In fact a tradition had even grown up about it, accounting for its presence in the Temple and ascribing its origin, in characteristic manner, to Moses (Num. 21.4–9).

Furthermore, the fact that seemingly all the tribes of Israel, with the single exception of Judah, had cult objects or idols such as these, whereas Judah had no cult object other than the "tent of meeting," in no sense an idol or representation of Yahwe, tended in all likelihood to establish the principle, which became basic in the eventual national religion of Israel, that under no condition might Yahwe be represented by an image of any shape or kind. For unquestionably the tribe of Judah, the head of David's and Solomon's empire and of the subsequent Southern Kingdom, adjacent to whose territory the capital of the nation and the national sanctuary were situated, contributed the dominant characteristics to this national Yahwe-worship, which evolved out of the of the Temple at Jerusalem some sixty-five years before, Israel had been without a כהן מורה, of course because the old tent of meeting had been supplanted by the Temple.

fusion of the various old tribal cults. In this development of the fundamental principles and institutions of this national Yahwe-worship the reformation of Asa and the K document were factors of primary importance.

In this connection a striking Bedouin parallel to the "tent of meeting," as it must have been in its earliest form in ancient Israel, may be cited from Burckhardt (*Nubia*, 509, quoting Makrizi, *History and Description of Egypt*). "They (the interior Bedja) adore the devil, and follow the example of their priests; every clan has its priest, who pitches a tent made of feathers, in the shape of a dome, wherein he practices his adorations; when they consult him about their affairs, he strips naked, and enters the tent stepping backwards; he afterwards issues with the appearance of a mad and delirious person, and exclaims, 'The devil salutes you, and tells you to depart from this place, for that a hostile party (naming it) will fall upon you.' If you ask advice about an expedition which you may be about to undertake against any particular country, he often answers, 'March on, and you will be victorious, and will take booty to such an amount, and the camels you will take at such a place must be my property, as well as the female slave you will find in such a tent, and the sheep, etc.' On the march the priest loads his tent upon a camel destined for that sole purpose, and they believe that the camel rises up from the ground and walks with great difficulty, and that it sweats profusely, although the tent is quite empty and nothing is in it."

This account manifestly emanates from a loyal Moslem, one who was therefore not in sympathy with the institution which he describes, and which he in consequence associated with the devil. But making due allowance for this bias, the resultant account is strikingly illuminative of what must have been the similar practice in the oldest "tent of meeting." Both are places of consultation of the oracle and of revelation. In both a single oracular priest functions, and in both the priest stands within the tent to receive the divine communication. Perhaps even the ritual here of the priest being naked and entering the tent backwards at the time of revelation may have had its parallel in the oracular procedure of the old "tent of meeting." Certainly the fact that the oracular priest here came forth from the tent in a state of frenzy is paralleled by the J account (Num. 11.25ff.) of the seventy elders, gathered about the "tent of meeting" outside the camp, upon whom the divine spirit rested so that they became ecstatic. Perhaps even the fact that the Bedja tent was believed to be carried by its especial camel with extreme difficulty, manifestly because it was supposed to be carrying the deity of the tent at the same time, may have had its ancient parallel in the old "tent of meeting," and this might have suggested the later Priestly tradition of Israel being led through the wilderness by the *K*^{e}*bod Yahwe*, so intimately associated in the Priestly narrative with the "tent of meeting."

But judging by the course of events, in this one respect these reformers failed of their purpose. For there is not the slightest evidence that the ancient "tent of meeting" was ever restored to its original role, or that the significance of the Temple at Jerusalem as the center of the national religion of Israel was affected in the least by this reformation. But in their main purpose these reformers did succeed unquestionably, viz. the purification of the Temple cult of its most striking and objectionable foreign elements, and particularly idol worship. They made the Temple at Jerusalem in fact what it had previously been only in theory, the established center of the true worship of Yahwe as the national god of Israel. And with this they established firmly certain of the fundamental and unchanging principles of this worship. Their reformation marked the completion of the first stage in the evolution of the national religion of Israel, which David had begun.

Still one other passage of the Hexateuch must be correlated with the K document, and probably consists in the main of a long extract therefrom, likewise removed from its original position, reedited, and then inserted in an altogether illogical and impossible position, just as was done with Ex. 33.7–11. This passage is Ex. 18, the story, in its present form, of Moses' meeting with his father-in-law, Jethro, and of his appointment of the judges of the people upon Jethro's advice. A moment's thought makes it clear that even in its present form the story is out of place and comes too soon; for it is impossible to presuppose the institution of the judges before the giving of the law. Moreover, the natural implication of the entire Sinai-Horeb narrative is that the first and chief thing to happen after the children of Israel had come thither was, not the visit of Jethro and the appointment of the judges, but the ascent of the mountain by Moses and the revelation of the law which, according to all the traditions recorded in the various documents, constituted the basis of the covenant solemnized at this mountain by Yahwe and Israel.

The close connection of this narrative in Ex. 18 with the general content of the K document, as we have reconstructed it, has long been half recognized by Biblical scholars; and it was chiefly upon the basis of their interpretation of this chapter that the so-called Kenite hypothesis was evolved. The bases of this hypothesis are the facts that in this chapter, just as elsewhere, the father-in-law of Moses is represented as the priest of Midian, that it is he who functions as the master of ceremonies at what is manifestly a covenant meal, eaten in the presence of Yahwe, that he rejoices to hear of Yahwe's victory over the Egyptian gods, and that he it is who counsels Moses to appoint the judges of the people and to lay the difficult, or perhaps better, the novel cases before Yahwe for oracular decision. From this they infer that he must have been the priest of Yahwe, versed therefore in the technique of the oracle of Yahwe, and that he must have instructed and initiated Moses therein, and thus have installed Moses as the oracular priest of Yahwe, and therefore as the founder of the worship of Yahwe in Israel. In part these conclusions are correct and agree in the main with the far larger historical conclusions to be drawn from the entire K document, as we have reconstructed it, and of which apparently, these scholars had not the least intimation.

As we have it now the narrative in Ex. 18 shows unmistakable evidence of editorial revision and expansion, although not upon a very large scale. The primary details of the narrative are as follows: the חֹתֵן of Moses hears that Moses and his people are encamped at the sacred mountain in the desert, and all that the Deity had wrought for them in delivering them from Egypt. Accompanied apparently by his own people, his clan or tribe, he comes to meet Moses. Moses comes out to welcome him. They greet each other in the warmest manner, and Moses conducts him into the tent. There Moses relates to him in detail all that Yahwe had done for them and how He had triumphed over the gods of the Egyptians. His חֹתֵן rejoices to hear all the good which Yahwe had shown unto Israel, and exclaims exultantly, "Praised be Yahwe, who has delivered the people from under the hand of the Egyptians; now I know that Yahwe is the greatest of all the gods." Thereupon Moses' חֹתֵן prepares a sacrificial meal, of which the elders of Israel partake with him in the presence of Yahwe. Thereby a covenant is established between them and him. On the following day he sees Moses sitting, throughout the entire day apparently, to judge the people. He warns Moses that he cannot go on in this way indefinitely, for thereby he will only exhaust himself and render the people no permanent service. He counsels him instead to select capable men and delegate to them the actual task of judging the people. Only cases too difficult to decide, presumably because they are novel, and there is consequently no law nor precedent for them, they shall bring to him, and he in turn, in his capacity as oracular priest, shall lay these cases before Yahwe for decision by the oracle. Impressed by the soundness of this argument, Moses follows the advice of his חתן.

A number of significant facts stand out here. First, the people are called here Moses' people (v.1) or the people (v.10), where there was every reason for calling them Yahwe's people, had there not been some good cause for not doing so. In all the other codes of the Hexateuch this would have been done, because of their point of view that Israel was already Yahwe's people. Only in K, as we have seen, Israel does not become Yahwe's people, and therefore is not designated as such, until after the covenant is established between them.

Moreover, in this narrative too, just as in K, the mountain where Israel is encamped is the "mountain of God," or, as it must have read originally, "the mountain of Yahwe." Furthermore, in v.7 Moses conducts his חתן into *the* tent. Of course this may mean Moses' own tent, in which he resided regularly. But the temptation is strong, in the light of the role which, we have seen, the "tent of meeting" played in the K narrative and of Moses' original relation thereto, to understand this as referring to the "tent of meeting."

The incident of Moses' sitting all day to judge the people is of particular interest. Where does he sit, and by what methods or standards does he judge? There is not the slightest implication that these standards are one whit different after Moses has adopted the counsel of his חתן than they were before; only the method is different in part in that instead of Moses deciding all cases, the judges handle all the ordinary cases, for which there is already an established law or precedent, while Moses in his capacity as oracular priest, lays all the novel cases before the oracle for decision. Moses thus becomes the source of תורה or oracular law, in Israel. But there is not the slightest implication here that Moses' חֹתֵן initiated him in the technique of the consultation of the oracle. And if the tradition be correct, as we have interpreted it, that the "tent of meeting" was instituted by Moses at Yahwe's bidding, it carries with it the implication that Yahwe Himself, and not Moses' חֹתֵן, had revealed to him the full technique of the consultation of His, Yahwe's oracle, and therefore that the beginning of Yahwe-worship in Israel came through direct revelation from Yahwe Himself, and not from the Kenite priest. This technique of the oracle may have been known to Moses' חֹתֵן also, in his capacity as priest of Yahwe, but there is no need to imagine that he alone could have communicated it to Moses. It would be futile to conceive of Yahwe instituting the "tent of meeting" without at the same time communicating to Moses the full technique of the oracle. Apparently therefore all that Moses' חֹתֵן did was to give him the very sane counsel not to wear himself out by trying to bear alone the entire burden of judging the people, but to appoint capable assistants, and leave himself freer thereby to discharge that particular task which he alone could perform, viz. the consultation of the oracle.

But if this assumption be correct, then we have the answer to our questions, where did Moses sit to give judgment, and by what standards did he mete judgment to the people? Manifestly he sat at the door of the "tent of meeting," the tent in which he, as oracular priest, remained constantly; and this was *the* tent into which he brought his חֹתֵן when the latter arrived at the camp of Israel. And Moses meted out judgment to the people by consulting the oracle on their behalf, and imparting to them oracular decisions covering the cases which they laid before him. If it was a case for which there was a precedent in some earlier oracular decision, he applied this law to the case in hand. But if it was a novel case, for which there was no precedent, he laid the case before the oracle with the proper technique, and thus obtained a decision, and then communicated this to the people. Just this is the procedure implied in the statement of 33.7, which, we have concluded, stood originally in K, that every man who wanted to seek Yahwe, i.e. consult the oracle, would go out to the "tent of meeting" outside the camp. This was indeed a heavy task for one man to perform alone; and the counsel of Moses' חֹתֵן was sound indeed. All these considerations point to the conclusion, not only that this narrative is closely related to our K document, as the supporters of the Kenite hypothesis have unconsciously maintained, but even more, that it, or at least its original, constituted an integral part of the K document, and followed immediately upon the account of the preparation and inauguration of the "tent of meeting," and likewise preceded immediately the account of Israel's journey away from the mountain of Yahwe.

Even more, assuming that the original of the narrative of Ex. 18 came at just this particular place in the K document, it fills completely what would otherwise have been a serious lacuna in the K narrative. As we have seen, the K narrative told that when Yahwe had answered Moses' request for a guide to lead the people onward from the mountain, He had said that His *Panim* would lead the people. But Moses had not understood this at first; nor does the narrative tell anywhere that Yahwe explained to Moses explicitly and positively just what He did mean thereby. He merely corrected the natural error into which Moses had fallen by asking to see Yahwe's face. But when Moses' חֹתֵן comes to meet him, Moses understands immediately just what Yahwe had meant. Apparently the חֹתֵן had come merely to visit Moses, since he was in his neighborhood, but had in mind no purpose beyond this. But now that he has come, and Moses now understands exactly what Yahwe had meant when He said that His *Panim* would lead Israel, he turns to his חֹתֵן and without further ado asks him to become Israel's guide through the desert. At first, as Num. 10.30 tells, Hobab demurs, and insists instead that he will return to his own land; but finally, upon Moses' insistence and cogent argument, he yields to Moses' request.

Thus the assumption that the original of the narrative of Ex. 18 was an integral part of the K document, and came at just this particular point in the narrative, accounts in the first place for the presence of Hobab with Moses and Israel at the sacred mountain, and serves to connect the conclusion of the narrative in Ex. 34 with the fragment in Num. 10.29ff.

And one further consideration tends to confirm this assumption. As the story stands now in Ex. 18, the visit of Moses' חֹתֵן has neither point nor purpose. He comes to spend a day or two with Moses and then go back home. Of course it may be argued, particularly by the advocates of the Kenite hypothesis in its generally accepted form, that the point of his visit was that he not only gave Moses the counsel which resulted in the institution of the judges, but also that he actually inducted Moses into the office of oracular priest; but, as we have argued, this last is an uncertain and unproved assumption; and without it the present narrative in Ex. 18 is entirely without point. Nor could it have any point whatsoever were it a part of any of the Hexateuchal documents other than K, for all of them, as we have seen, have altogether different accounts of the way in which Israel was led through the desert from the sacred mountain to the Promised Land. Only K told that Israel was led by Hobab, Moses' חֹתֵן. This narrative can have point therefore only in K, for it explains how Hobab, who certainly had not participated with Moses and Israel in the exodus from Egypt and in the journey from there to the sacred mountain, none the less happened to be present with Israel and to be ready therefore to lead Israel onward.[120]

And still further corroboration of this conclusion may be found in the words put into the mouth of Moses' חֹתֵן in v.23, that if Moses will but follow his advice, then not only will he be able to withstand the heavy demands which the leadership of the people must make upon him, but also the people will come to its place in peace. This last can refer only to the land promised to it by Yahwe. Of course J, E and P tell that Yahwe had long before this promised to give them the land of Canaan; but this promise in these documents is almost too remote to have suggested such a thought to Moses' חֹתֵן at this particular moment. But in the K narrative this very promise, as we have seen, must have just been made to Israel by Yahwe, as a part of the covenant obligation resting upon Him, and this was the thought now uppermost in the minds of Moses and the people, preparing at Yahwe's command to journey onward from the sacred mountain to that good land which Yahwe had promised to them. In fact just such words as these in the mouth of his חֹתֵן would give Moses the desired opportunity to request, and even to demand, that he accompany them as their guide. The evidence is strong indeed that the narrative of Ex. 18 was once an integral part of the larger K narrative.

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[120] Perhaps one other difficult problem may be solved by the conclusion that both the narrative of the "tent of meeting" and that of the coming of Hobab to visit Moses belonged originally at this particular place in the K narrative. We have seen that the legend of Moses with the shining face has taken the place which these two narratives originally occupied. Whence could this strange tradition have come? Now if "face of Yahwe," was actually the ancient title of the oracular priest of Yahwe, as we have surmised, after the erection of the "tent of meeting" and the appointment of Moses by Yahwe as its oracular priest, he too must have borne the title, "face of Yahwe," quite as well as Hobab. Not improbably the original K narrative even spoke of him here by this title. But this title, no longer correctly understood by a later age, may well have suggested that Moses' face was like that of Yahwe, upon which ordinary mortals might not gaze with impunity. Once this idea was suggested, it would develop easily into the tradition of Moses with a shining face like that of Yahwe, just because he conversed with Yahwe face to face, as the ordinary man talks to his friend. Perhaps in some similar legend we have the explanation of the oft-discussed Punic term, *Tanit-pen-Ba'al.*

The question now arises, whether any portion of the present text of Ex. 18 was borrowed by the editors literally from its original setting in the K document, or whether the entire present text is the result of editorial rewriting. The procedure of the editors was simple and is readily comprehended. Unquestionably the original of the K narrative called the חֹתֵן of Moses Hobab. In every case the editors naturally changed this original Hobab to Jethro, the name of Moses' father-in-law according to E. Similarly, wherever necessary and possible they changed the original יהוה to אלהים, partly perhaps, if they were Elohists, because of their predilection for this designation of the Deity, but more particularly no doubt in order to soften the to them unwelcome suggestion that Moses' חֹתֵן was the original worshiper of Yahwe, and that it was through him, even though indirectly, that the worship of Yahwe passed to Israel.[121] Moreover, remembering that

[121] Still later, but in quite the same spirit, the Deuteronomist suppressed all reference to both Hobab-Jethro and the oracle and its consultation in his

the original K narrative had told that Zipporah had accompanied Moses down to Egypt, but that at least the majority, if not all,[122] of the younger documents had no such record, they inserted vv.2–4 plus ובניו ואשתו of v.5, in order to harmonize the otherwise conflicting narratives. But beyond this and one or two minor suppressions and a few characteristic interpolations, which gave the remodeled narrative a literary fullness and roundness, they found it unnecessary to make any insertions or changes whatsoever, except to add at the very close of the story v.27, telling of the departure of Jethro.

These editorial interpolations we would set down as follows: vv.1b–4; in 5 everything except ויבא אל משה אל הר [יהוה]; 6; in 8 everything after ולמצרים until ויצילם יהוה; 9b; 10aβ; 11b (probably); in 12 perhaps אהרן; 16; 20a; in 21 everything after חיל;[123] in 25 everything after ישראל; 27. This leaves as the original K text of Ex. 18 the following:

(1) וישמע [חבב] חתן משה את כל אשר עשה [יהוה] למשה ולישראל עמו
(5) ויבא אל משה אל הר [יהוה] (7) ויצא משה לקראת חתנו וישתחו וישק לו
וישאלו איש לרעהו לשלום ויבאו האהלה (8) ויספר משה לחתנו את כל אשר
עשה יהוה לפרעה ולמצרים ויצילם יהוה (ואת אשר כרת יהוה ברית נגד ישראל)
(9) ויחד [חבב] על כל הטובה אשר עשה יהוה לישראל (10) ויאמר ברוך
יהוה אשר הציל את העם מתחת יד מצרים (11) עתה ידעתי כי גדול יהוה
מכל האלהים (12) ויקח [חבב] חתן משה זבח ל[יהוה] ויבא [אהרן ו]כל זקני
ישראל לאכל לחם עם חתן משה לפני [יהוה] (13) ויהי ממחרת וישב משה
לשפט את העם ויעמד העם על משה מן הבקר עד הערב (14) וירא (חבב) חתן
משה את כל אשר הוא עשה לעם ויאמר מה הדבר הזה אשר אתה עשה לעם מדוע
אתה יושב לבדך וכל העם נצב עליך מן בקר עד ערב (15) ויאמר משה לחתנו
כי יבא אלי העם לדרש [יהוה] (17) ויאמר חתן משה אליו לא טוב הדבר אשר אתה
עשה (18) נבל תבל גם אתה גם העם אשר עמך כי כבד ממך הדבר לא תוכל עשהו
לבדך (19) עתה שמע בקלי איעצך ויהי [יהוה] עמך היה אתה לעם מול [יהוה]
והבאת אתה את הדברים אל [יהוה] (20) והודעת להם את הדרך ילכו בה ואת

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account of the appointment of the judges. Characteristically he made the idea of these judges emanate from Moses instead of from Hobab-Jethro, and represented Moses as settling the difficult cases through his own superior wisdom and judgment instead of by submitting them to the oracle (Deut. 1.13–17).

[122] Ex. 4.20 is undoubtedly also editorial, designed to pave the way for the insertion of vv.24–26.

[123] וצוך [יהוה] of v.23 probably means, "and if Yahwe sanction it."

המעשה אשר יעשון (21) ואתה תחזה מכל העם אנשי חיל (22) ושפטו את העם בכל עת והיה כל הדבר הגדול יביאו אליך וכל הדבר הקטן ישפטו הם והקל מעליך ונשאו אתך (23) אם את הדבר הזה תעשה וצוך [יהוה] ויכלת עמד וגם כל העם הזה על מקומו יבא בשלום (24) וישמע משה לקול חתנו ויעש כל אשר אמר (25) ויבחר משה אנשי חיל מכל ישראל (26) וישפטו את העם בכל עת את הדבר הקשה יביאון אל משה וכל הדבר הקטן ישפוטו הם.

Now in this narrative there is not the slightest indication of the handiwork of any source other than K. It is true that outside of the matters already enumerated there is little to indicate K authorship. Yet these matters are so significant, and this narrative as we have just reconstructed it is so simple, direct and complete in every detail, and fits so exactly into the K narrative at just the place we have indicated, that we may regard it as extremely probable that we have here another fragment of the original K document.

X

FINAL SUMMARY.

This completes our study of the literary history of the K document. We have, we believe, established our general thesis that it was a document of considerable magnitude, and that, composed in 899 B.C., in support of the religious reformation of King Asa, it is truly the oldest document of the Hexateuch.

In its original and full form it must have told of the birth of Moses in Egypt, of his departure from there when grown to manhood and of his journey out into the desert. There he came into contact with the little Kenite tribe and married the sister of Hobab, the tribal chieftain and oracular priest. After a time, at the bidding of Yahwe, the Kenite tribal god, although without knowing His name, Moses returned to Egypt, accompanied by his wife and his son, who had just been born. On the way, Yahwe attacked the child and sought to kill him; but by quickly circumcising the boy Zipporah saved his life; thus, it seems, the K code accounted for the institution of the rite of circumcision in Israel.

The exodus quickly followed Moses' arrival in Egypt. Of the attendant details nothing of the K account, at least so far as we can see at present, has been preserved. But manifestly it must have been brought about through marvelous deeds on the part of Yahwe, which caused the discomfiture of the Egyptian gods, of a character to warrant the utterance of Hobab, when he hears about them, "Now I know that Yahwe is the most powerful of all the gods."

After leaving Egypt the people were led by Moses speedily and directly to the mountain of Yahwe in the desert, upon which the Deity was thought to dwell. There in some way, the nature of which is not clear, but which had apparently to do with the worship of a molten image of some kind, the sanctity of the place was violated by Israel, and in His anger Yahwe commanded Moses to lead the people away from the mountain. Then followed the incident recorded in Ex. 33–34, the details of which we need not repeat here. This culminated in the establishment of a covenant between Yahwe and Israel, through the mediation of Moses, a covenant whereby Israel accepted Yahwe as its sole god, and obligated itself to worship Him alone, on the basis of a little code of ritual laws, now revealed to it. And Yahwe on His side, promised to take Israel as His people, to protect and prosper it and to bring it to a good land, which should become its permanent home. In addition to this Yahwe commanded Moses to fashion a tent after the model of the sacred cave upon the mountain, to be known as the "tent of meeting." There, no matter where it might be, Yahwe would come from His sacred mountain, and meet with Israel, represented by its oracular priest, and there He would reveal His will and His law unto Israel. The entire technique of oracular revelation must with this have been communicated to Moses by Yahwe. Thus through self-revelation, with Moses as the agent thereof, Yahwe, originally the god of the little Kenite tribe, made Himself the God of Israel. And thus Moses became truly, not only the actual deliverer of Israel, or at least of certain tribes of Israel, from Egypt, but also the founder of the worship of Yahwe by Israel and of the institution of oracular law, or *Torah*, in Israel.

Almost coincident with the erection of the "tent of meeting" and the institution of the system of oracular law and judgment by Moses alone, his brother-in-law Hobab came with his tribe to visit him. Moses recounted to Hobab all that Yahwe had done for Israel, and Hobab, the old and ardent devotee of Yahwe, rejoiced to hear the wondrous tale. A covenant meal was eaten by Hobab and the elders of the tribes of Israel in the presence of Yahwe, and thereby a covenant relationship was established between the Kenites and Israel. The next day Hobab saw Moses sitting the entire day to judge the people. He warned him that this was an unwise procedure, and advised him to appoint capable assistants, who might adjudicate the ordinary cases, for which precedent had already been established in previous oracular revelation. Moses himself should handle only those cases for which there was no such precedent; and he should do so by laying each such case before Yahwe for decision, in accordance with the principles of oracular technique, already revealed to him. Moses followed this wise counsel; thus Israel's judicial system was inaugurated.

Thereupon Moses turned to Hobab, the priest, the old "face of Yahwe," and requested him, together with his tribe, to accompany Israel and guide it on its journey through the desert, until it should come at last to the good land which Yahwe had promised to give it. At first Hobab refused; but eventually he was persuaded. Israel and the Kenites journeyed on together and at last forced their way into Canaan from the south. And there the tribes settled down permanently. Yahwe's promise had been completely fulfilled, at least in its first part. Israel was now eternally obligated to the true and pure worship of Yahwe, and of Yahwe alone. And it was indeed a simple worship, summed up in a few fundamental laws, and observed through but a few ritual institutions, notably the "tent of meeting" and an oracular priest.

Such must have been the content and the implications of the original K document. Unquestionably it was excellently adapted to the purpose of religious reformation and restoration of the old, traditional, simple worship of Yahwe, which it was intended by its prophetic authors to serve.

Only a few fragments of this original K document, so far as we can see, survive in the present Hexateuch. The remainder has been suppressed by later writers, particularly by the J2 editors who eventually, probably in the seventh century B.C. or even later, incorporated these fragments of the K document into the J code. Obviously, however, much of the content of the narrative of both the J and E codes has been borrowed, though with considerable amplification, from the older K narrative. For this reason the suppression of the larger part of the original K document by these later writers and editors was both easy and natural. It is by no means improbable that here and there, just as in the narrative of Ex. 18, they may have borrowed literally, and that some small, scattered portions of the Hexateuch, now assigned to J or E, may actually be assigned with greater propriety to K. Only future investigation can determine this.

But significant as all this is, of far greater moment is the light which this document, thus isolated, sheds upon the history of Israel in its earliest period, upon the exodus from Egypt and the determination of the particular tribes which participated in that event, upon the life and work of Moses, and above all else upon the earliest conception of Yahwe and manner of His worship in Israel. But before we may proceed to the consideration of these questions, we must first undertake the analysis of the Book of the Covenant and determine its literary history in a manner similar to that of our present study of the K document; for we have already established its close historical connection with K; and, as we shall see in time, as a historical document also its significance is closely linked with that of K. We shall therefore, in the next stage of this study, and in a subsequent volume of this ANNUAL, make an investigation of the literary history of the Book of the Covenant. This will be followed in turn by a detailed consideration of the full significance of these two ancient documents for the early history of Israel.

DIE BIBEL UND DIE JÜDISCHE RELIGIONSPHILOSOPHIE DER GEGENWART

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DAS Thema "Die Bibel und die jüdische Religionsphilosophie der Gegenwart" scheint einen tiefen Widerspruch in sich zu enthalten. Die Bibel ein Werk, das seit etwa 2000 Jahren seinen Abschluss gefunden hat, und die jüdische Religionsphilosophie der Gegenwart eine Wissenschaft, die, wenn sie den Namen der Philisophie mit Recht für sich in Anspruch nimmt, von voraussetzungsloser Aufrichtigkeit in Problemstellung und Problemlösung getragen sein muss und als Religionsphilosophie der *Gegenwart* die religiösen Probleme unserer Zeit zu lösen sucht. Scheint nicht unser Thema die jüdische Religionsphilosophie im Anfang und Endziel ihres Philosophierens an die Bibel zu binden? Nur dann ist dieser Widerspruch gelöst, wenn die Bibel ein Werk von Ewigkeitsgehalt ist, das zeitlose Wahrheit enthält. Dann kann die Bibel jeder Generation Quell wahren Lebens sein. Diese zeitlose Wahrheit der Bibel aber darf selbst nicht eine dogmatische Voraussetzung der Religionsphilosophie bilden, sondern die jüdische Religionsphilosophie muss den Mut haben, ihr köstlichstes Gut, die Thora, der Freiheit der Forschung anzuvertrauen. Hat die jüdische Religionsphilosophie diesen Mut der freien Forschung besessen und welches war ihr Resultat?

Es ist ein Ruhmeszeugnis des Judentums, dass es nicht allein die Bibel der Welt gegeben hat, sondern auch als erste monotheistische Religion in die wissenschaftliche Auseinandersetzung mit der Weltkultur eingetreten ist. Bereits im Altertum unternahm es die jüdische Religionsphilosophie die Wahrheit und den Lebensgehalt der Bibel gegenüber der Weltanschauung des Hellenismus zu vertreten. Philon vollzog diese Auseinandersetzung mit der Kultur seiner Zeit, indem er nicht in eklektisch-äusserlicher Weise Sätze der Bibel mit philosophischen Sentenzen umkleidete, sondern indem er die tiefste Geistesmacht des Altertums, Platonismus und Stoa, in ihrer Uebereinstimmung mit der Weltanschauung der Bibel zu erweisen suchte und dabei die allgemeine Philosophie durch die religiösen Ideen des Judentums befruchtete und zu neuen Lösungen ihrer Probleme führte.

In gleicher Strenge des wissenschaftlichen Ernstes und der Kühnheit der wissenschaftlichen Forschung unternahm es die jüdische Religionsphilosophie des Mittelalters, den Wahrheitsgehalt der biblischen Lebensanschauung philosophisch zu begründen. Man hat es der mittelalterlichen Religionsphilosophie oft zum Vorwurf gemacht, dass sie die Philosophie zur Magd der Theologie gemacht habe. So wahr es ist, dass die die Philosophie des Mittelalters beherrschenden Probleme vielfach Probleme der Religionsphilosophie sind, die Probleme der Schöpfung, der Vorsehung, der Willensfreiheit, der Unsterblichkeit, so darf man aber nicht übersehen, mit welcher Strenge wissenschaftlicher Konsequenz die Lösung dieser Probleme in Angriff genommen und Lösungen gewonnen werden, in denen die Anschauungen der Bibel mit grosser Kühnheit modifiziert werden. Als grösstes Beispiel hierfür sei Maimonides genannt.

Als die Weltanschauung des Mittelalters, das Weltbild des Aristoteles, durch das neue naturwissenschaftliche Weltbild des Kopernikus, Kepler, Galilei und Descartes erschüttert wurde, war es Spinoza, der nicht allein Gott und Natur im Geiste eines religiösen Weltbildes zur Einheit zu bringen suchte, sondern auch davor nicht zurückschreckte, den Gottesbegriff der Bibel seiner Kritik zu unterwerfen. Der Gott der Bibel, der Gott des Judentums ist der Schöpfergott, der Schöpfer und Beherrscher der Welt, aber zugleich der gnadenvolle Gott der Menschenseele, der sich dem Menschen offenbart, ihm seinen Willen kundtut und ihm das Gesetz des Guten als Gesetz des Lebens gegeben hat. Spinoza erkennt in der ewigen Ordnung der Natur die Offenbarung der göttlichen Allmacht, das Gute aber ist ihm wohl vernünftige Erkenntnis des Menschen für die Regelung der menschlichen Gesellschaft, nicht aber Erkenntnis des göttlichen Willens. Gott ist für Spinoza über die Menschenwelt und auch über ihr Recht und ihre Sittlichkeit erhaben, der Quell der Gesetze der Natur, nicht aber der heilige Gott, der Allmächtige, nicht der Gott der Menschenseele und nicht der Quell ihres sittlichen

Lebens. So macht Spinoza die kosmische Bedeutung des Sittlichen und den jüdischen Gottesbegriff des heiligen Gottes zum Problem. (Vergl. Lewkowitz: Die Ethik Spinozas in ihrem Verhältnis zum Judentum, *M. G. W. J.*, 70. Jahrg., Heft 9–10).

Leibniz, der Begründer der Philosophie der Aufklärung, stellte den vollen biblischen Gottesbegriff wieder her, indem er die mechanischen Gesetze der Natur auf den sittlichen Willen Gottes zurückführte, so dass die Welt Ausdruck seiner Allmacht, Weisheit und Güte ist. Mendelssohn erkannte in dem Gottesbegriff von Leibniz die in der Bibel enthaltene Gotteserkenntnis und begründete auf der leibnizschen Philosophie eine neue religionsphilosophische Erkenntnis des Judentums. Indem sich Mendelssohn zur Höhe der philososphischen Bildung seiner Zeit erhob, zeigte er der Welt nicht nur, welche geistigen und sittlichen Kräfte durch den Druck des Mittelalters in den Juden wohl niedergehalten, aber nicht zerstört werden konnten, sondern zugleich, dass das Judentum die wahre Religion der Vernunft sei. So verstand Kant die Tat Mendelssohns.

Die Emanzipation, eine Frucht des Geistes der Aufklärung, befreite die Juden nicht allein von dem unerhörten politischen Druck, sondern erlöste die Juden auch aus dem geistigen Ghetto, in das sie seit den Kreuzzügen gedrängt waren. Die Befreiten schlossen sich jubelnd der Welt des Geistes an, die sich vor ihnen öffnete. Sie merkten nicht, dass die Dichter und Denker des klassichen Zeitalters, Kant, Fichte, Lessing, Herder, Schiller, Goethe das Beste ihres Geistes den sittlich-religiösen Kräften der Bibel zu danken hatten, dass Aufklärung und Klassik die religiöse, wissenschaftliche und künstlerische Wiederaufrichtung der Gotteserkenntnis und Lebensanschauung der Bibel waren, nachdem die Fesseln der kirchlichen Dogmatik durchbrochen waren. (Vergl. Troeltsch: Fortwirkung des Hebraismus auf das Abendland. *Ges. Schriften*, IV., S. 820).

Als aber die Judenheit ein halbes Jahrhundert durch die allgemeine Kultur zur Selbständigkeit des Geistes erzogen war, begründete sie mit den Mitteln und den Methoden der allgemeinen Kultur die wissenschaftliche Erkenntnis des Judentums. Bibel, Talmud und Geschichte des Judentums wurden nun in ihrem geistigen Gehalt neu entdeckt und zur lebendigen Grundlage des kulturellen Bewusstseins des Judentums. Die jüdische Religionsphilosophie der Gegenwart ist das letzte Glied in der Erneuerung des Judentums aus den Erkenntniskräften der allgemeinen Kultur. Steinheim, Fassel, Lazarus, Steinthal sind ihre Begründer und Pioniere.[1]

Die religionsphilosophische Erneuerung und Vertiefung der jüdischen Frömmigkeit aber hat gegen die gleichen Gegenkräfte zu kämpfen, von denen die allgemeine religiöse Kultur seit der Mitte des 19. Jahrhunderts immer mächtiger bedroht wird. Seitdem die mathematische Naturwissenschaft zur Grundlage der modernen Technik geworden war und die Physik die Erkenntnis und Beherrschung der Natur in nicht geahntem Masse erschloss, wurde die naturwissenschaftliche Weltanschauung zur beherrschenden Geistesmacht. Die naturwissenschaftliche Methode wurde als die einzige Methode wissenschaftlicher Erkenntnis anerkannt.

In ihrem Geiste begründete Darwin die Biologie und suchte er die zweckvollen Gebilde der organischen Natur als mechanische Produkte der allgemeinen Naturkräfte zu erweisen. Die Psychologie strebte des Denken, Fühlen, Wollen des Menschen als assoziative, kausale Zusammenballungen der Elemente des Bewusstseins, der Empfindungen, Gefühle und Willensakte zu verstehen und gab mit der teleologischen Psychologie die schöpferische Einheit der Persönlichkeit preis. Die Geschichtswissenschaft sah in den wirtschaftlichen Zusammenhängen die beherrschende Grundlage des Völkerlebens, in den Ideen nur die ideologische Spiegelung der Machtkämpfe des geschichtlichen Lebens. Selbst die philosophische Ethik glaubte die sittlichen Ideale und Normen nur als die Mittel der Selbsterhaltung der menschlichen Gattung, des Massenegoismus begründen zu sollen oder erhob anstelle der altruistischen Ideale den Willen zur Macht zum höchsten Wert. Die Religion vollends wurde zur überwundenen Stufe vorwissenschaftlicher Weltanschauung, zur Welt des Mythos. Der Mensch des ausgehenden 19. Jahrhunderts kannte und wollte nichts anderes kennen als die Welt der Erfahrung und ihre kausalen Zusammenhänge. Gott und Seele wurden der materialistisch gewordenen Zeit zu leeren Worten ohne Sinn und Bedeutung.

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[1] *Steinheim, Die Offenbarung nach dem Lehrbegriff der Synagoge,* 1835. *Fassel, Tugend und Rechtslehre* (צדק ומשפט), 1848. *Lazarus, Ethik des Judentums,* 5. Aufl., 1904. *Steinthal, Zu Bibel und Religionsphilosophie,* 1890 u. 1895.

Hier nun ist es die Bedeutung des jüdischen Denkers Hermann Cohen, einer der mächtigsten Kämpfer gegen diesen Geist der Zeit geworden zu sein. In der gedankenreichen, selbständigen Erneuerung der Kantischen Philosophie zerstörte er den Monismus der naturwissenschaftlichen Methode, demzufolge der Mensch jede Eigenart und jeden Eigenwert der Natur gegenüber verloren hatte. Gibt es allein den naturgesetzlichen Zusammenhang des Universums, dann ist der Mensch ein Stück Natur, untertan ihren Trieben und Gesetzen, und sind weder Ethik noch Religion mit der Wirklichkeitserkenntnis zu vereinen. Andererseits schien es unmöglich, die wissenschaftliche Bedeutung der Naturwissenschaft in Abrede zu stellen.

Hier nun erkannte Cohen die Genialität der Kantischen Lösung und stellte sie in hellstes Licht. Nicht nur als ein Faktum erkannte Cohen mit Kant die mathematische Naturwissenschaft an, sondern sah allein in der naturwissenschaftlichen Methode den sicheren Weg, die Menge blosser empirischer Tatsachen in die Einheit einer wissenschaftlichen Erfahrung, einer einheitlichen Naturtheorie zu verwandeln. Natur ist nur möglich als Objekt der Naturwissenschaft und nur in ihrer Methode zu begründen.[2]

Der *Mensch* aber ist nicht nur Natur. Mögen selbst Biologie und Psychologie als Naturwissenschaften Leib und Seele des Menschen zu erforschen suchen. Der *Sinn* des menschlichen Lebens ist nicht sein naturhaftes Sein, sondern die Idee des Sollens, die die ewige Aufgabe des menschlichen Willens ist. Die Idee des Sollens ist der höchste leitende Wert der Ideenwelt, wie das Gesetz das Fundament der Natur ist. Die Erkenntnis des Sollens ist die über das Naturwissen hinausragende und unabhängige Erkenntnis des sittlichen Bewusstseins.

Wie das Naturgesetz die Einheit der Natur begründet, so begründet die Idee des Sollens oder die Idee des reinen Willens die Einheit der Menschenwelt, die Einheit des Reiches des Guten. Recht, Staat und Menschheit geben der bloss naturhaften Individualität erst den Wert der menschlichen Persönlichkeit. Persönlichkeit ist Einordnung des Willens in den Pflichtenkreis der Menschheit, Menschheit ist die Idee der sittlichen Organisation der Menschenwelt zu einem Reiche der Freiheit.

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[2] Cohen, *Logik der reinen Erkenntnis*, 1902.

Bedürfte es erst des Hinweises darauf, dass Cohen selbst in der Ethik der Propheten die Wurzel des sittlichen Bewusstseins der Menschheit erkannt hat, um die jüdische Ethik als die Grundlage der Cohen'schen Ethik zu erfassen! In Cohen erringt die Ethik des Judentums bewusst ihre führende Stellung im philosophischen Denken der Menschheit.[3]

Und nun tat Cohen den letzten Schritt in der Vollendung seines Systems, durch welchen er dem jüdischen Gottesbewusstsein seine wissenschaftliche Bedeutung zu sichern suchte. Wie sehr das Reich des Guten nicht ein schöner Traum, sondern die auf dem Gewissen der Menschheit ruhende Aufgabe ist, wenn auch die unendliche, die messianische Aufgabe der Menschengeschichte, so ist Menschenkraft nicht imstande, allein seine Verwirklichung zu sichern. Gegenüber der Macht der Natur ist der Mensch nicht imstande, die sittliche Zukunft der Menschheit zu verbürgen, wenn nicht ein heiliger Wille das sittliche Werk des Menschen sichert und schützt. Gott ist der Schutzherr des Guten als der heilige Herrscher der Welt. Der Glaube an Gott ist die Konsequenz des Glaubens an das Gute. Und nur insofern erkennen wir Gott, als wir ihn als den heiligen Willen begreifen, nicht insofern wir über sein metaphysisches Wesen Mythen ersinnen. Das unterscheidet den Monotheismus des Judentums vom Polytheismus, dass im Judentum und in ihm allein Gott, befreit von allen Mythologien, als der heilige Gott und darum als der einzige erkannt wird.[4]

Hat Cohen die Weltanschauung der Bibel in wissenschaftlichem Tiefsinn mit der wissenschaftlichen, sittlichen und religiösen Kultur der Gegenwart verschmolzen, so kennt aber die Wissenschaft keinen Abschluss. Neue Probleme gehen aus den erreichten Problemlösungen hervor. Cohen überwand den naturwissenschaftlichen Monismus, indem er die selbständigen Grundlagen des Reiches der Ideen, des Reiches des Sollens entdeckte. Die Naturwissenschaft wurzelt im Gedanken des naturgesetzlichen Zusammenhanges der Natur, die sittliche Erkenntnis in der von aller Erkenntnis des Seienden unabhängigen Erkenntnis des Sollens. Wenn aber die naturwissenschaftliche Psychologie Recht hat, dann ist das Sein des Menschen ein Stück der Natur, ihren Gesetzen unterworfen. Wie vermag dann der Mensch Schöpfer eines Reiches des Guten zu sein? Wie vermag der Erdensohn ein Reich der Freiheit zu gründen!

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[3] Cohen, *Ethik des reinen Willens*, 2. Aufl., 1907.

[4] Cohen, *Die Religion der Vernunft aus den Quellen des Judentums*, 1919.

So verlangt der sittliche Idealismus eine noch tieferdringende Auseinandersetzung mit dem modernen Naturbegriff. Hat Cohen nicht selbst dem Monismus der naturwissenschaftlichen Methode noch zu sehr gehuldigt, wenn er die mechanische Erkenntnisart nicht allein für die Physik, für das Reich der anorganischen Natur, sondern auch für die organische Natur und für den Menschen, also für Biologie und Psychologie anerkannte? Ist es berechtigt, geschweige notwendig, auch die lebendige Natur und den Menschen nach dem Muster der toten Natur als zweckfreien, mechanischen Zusammenhang zu begreifen? Hier setzt die bedeutende wissenschaftliche Arbeit der Gegenwart ein. (Vergl. Lewkowitz, *Religiöse Denker der Gegenwart*, 1923.)

Vor allem in der Psychologie der Gegenwart wird um eine neue Erkenntnis vom Menschen gerungen. Bei aller Würdigung der bedeutenden Aufschlüsse, die die naturwissenschaftliche Psychologie der Spencer'schen und Wundt'schen Schule über den kausalen Zusammenhang des seelischen Lebens, seine Assoziationen, Verschmelzungen, Verdrängungen und Verdichtungen gebracht haben, sehen wir klarer als je, dass alle noch so bedeutende Aufhellung des kausalen Zusammenhanges der seelischen Prozesse nicht ihre Sinnhaftigkeit zu erklären vermag. Die Sinnhaftigkeit des Denkens, Fühlens, Wollens ist kein Produkt des bloss mechanischen Zusammenhanges letzter psychischer Elemente, sondern eine ursprüngliche Aktivität der menschlichen Persönlichkeit, die in der anorganischen Natur nicht ihresgleichen hat.

Nicht es denkt in mir, sondern ich denke und vereinige Tatsachen mit dem Bewusstein ihres logisch-notwendigen, nicht bloss zufällig-assoziativen Zusammenhanges. Ich fühle nicht bloss biologisch Bedeutsames, Nützliches und Schädliches, Freude und Schmerz, sondern ergreife im Gefühl Schönheit und Hässlichkeit, Edles und Gemeines, Gutes und Böses mit dem Bewusstsein ihres Wertunterschiedes und Wertranges. Das Gefühl ist nicht bloss Trieb, sondern auf einer höheren Stufe Erkenntnisorgan der Werte. Und der Wille ist nicht bloss Selbsterhaltungstrieb mit dem Bewusstsein seiner Ziele, sondern ein vom Selbsterhaltungsstreben zu scheidender Wille des Guten. Der sittliche Wille ist nicht aus dem egoistischen Willen als heterogenetisches Produkt hervorgegangen, sondern eine ursprüngliche Willensrichtung in der Seele des Menschen. So überwindet die moderne Psychologie die naturalistische Psychologie und erkennt die spezifisch seelischen Kräfte des Menschen, seine Eigenart im Reiche der Natur. (Vergl. Lewkowitz: Mechanismus und Idealismus II. Seele und Wert. *Jahresber. d. Jüd.-theol. Sem.*, 1925.)

Von da aber gewinnt die Philosophie der Gegenwart den Mut, auch die organische Natur, die lebendige Natur in ihrer Eigengesetzlichkeit der anorganischen Natur gegenüber zu erfassen. Ohne die Einheit der lebendigen Natur aufzugeben, die seit Darwin ein Erkenntnisbesitz der Menschheit ist, erkennt die moderne Biologie, dass der Deszendenzgedanke nicht mit der Darwinistischen Selektionstheorie identifiziert werden darf. Nicht der Kampf ums Dasein schafft die höheren Arten, wie bedeutsam er für ihre Erhaltung sein mag, sondern in irrationalen Mutationen gehen aus dem Schoss der lebendigen Natur Wesen hervor, die ein Neues unter der Sonne darstellen. So sind Pflanze, Tier, Mensch wesensverschiedene Produkte der organischen Natur, ist nicht nur der Mensch, sondern auch die gesamte lebendige Natur nach dem Wort Bergsons ein Reservoir der Freiheit, der schöpferischen Entwicklung. (Vergl. Lewkowitz: Mechanismus und Idealismus I. Der Begriff des Lebens. *Jahresber. d. Jüd.-theol. Sem. Breslau*, 1920.)

Wie so die organische Natur eine höhere Natur ist als die anorganische Natur, mit ihr eigenen Impulsen und schöpferischen

Kräften, so ist die Geschichte der Menschheit nicht bloss ein Kapitel aus der Naturgeschichte, sondern bei aller Macht der anorganischen und der vegetativ-animalischen Kräfte und Triebe auch in der Menschenwelt zugleich ein Stück spezifisch menschlicher Geschichte der menschlichen Seele, der ihr eigentümlichen Kräfte des Geistes, des Fühlens und des Wollens.

Die physische, die organische und die psychische Natur des Menschen durchdringen einander in dem geschichtlichen Leben der Menschheit. Der Blick des Pessimisten haftet erschüttert an der Macht der tierischen Triebe in der menschlichen Seele. Die Hoffnung des Optimisten richtet sich auf die immer wieder hervorbrechende Schöpferkraft des menschlichen Geistes, des menschlichen Fühlens und Wollens. Der Historiker sieht die tiefe und unzerreissbare Verbundenheit der höheren und niederen Kräfte im Leben des Einzelnen, der Massen, der Völker, der Menschheit.

Der *religiöse* Mensch kennt die Tragik des menschlichen Lebens, die Vielfältigkeit des menschlichen Herzens. Nicht aber bloss als die ewige Aufgabe des Menschen, die unendliche, niegelöste, schwebt über ihm die Aufgabe der Heiligung des Lebens. Sehnsucht und Erquickung sind ihm jene Stunden der Andacht, in denen die Gottesnähe sein Herz läutert und heilt von den Wunden, die Welt und Menschen ihm geschlagen. Nicht Spekulation und nicht Forderung, sondern beseligendes und erschütterndes Erlebnis ist der Glaube, der von der Nähe Gottes in die Seele des Menschen dringt. Es ist die wunderbarste Kraft des menschlichen Herzens, die Nähe Gottes fühlen zu können.

Das Dasein der Welt und ihre Gesetzlichkeit, ihre rätselhafte Lebendigkeit und ihr vielgestaltiger Lebensdrang, die Leiden und die Bosheit der Menschen entschwinden nicht dem religiösen Bewusstsein, aber sie verlieren ihre Absolutheit und Unabänderlichkeit in den Stunden der Weihe, wenn die Heiligkeit Gottes uns demütigt und erhebt und uns mit dem Bewusstsein entlässt, im Dienste Gottes zu stehen. So schlingt die Religion ein unsichtbares Band zwischen Gott und Mensch. "Heilig sollt ihr sein, denn heilig bin ich der Ewige Euer Gott." (Levit. 19, 2.)

Die Unvergänglichkeit der Bibel liegt in der Reinheit und

Tiefe, mit welcher sie uns Wesen und Willen Gottes offenbart. Darum ist die Bibel der Quell des religiösen Lebens des jüdischen Volkes und der Menschheit geworden. Es ist ein Ruhmeszeugnis der Religionspsychologie der Gegenwart, das religiöse Leben nicht mehr als eine Vorstufe der wissenschaftlichen Erkenntnis zu betrachten, sondern in seiner seelischen Ursprünglichkeit zu erfassen. (Vergl. Otto, *Das Heilige*, Breslau. 1922.)

Die Religion is nicht Wissenschaft und nicht blosse sittliche Erkenntnis. Aber wenn die Wissenschaft nur die Welt der Erfahrung kennt, die Welt der begreifbaren Tatsachen und andrerseits die unbegreifbaren Rätsel der Welt und des Lebens, so strahlt in der Seele des Frommen das Licht Gottes in seiner Seele. Er fühlt den heiligen Gott als den Schöpfer von Leben und Tod, den geheimnisvollen Beherrscher der Gesetze der Natur und ihrer rätselhaften Kräfte. Und wenn sein Gewissen wundgerieben ist an der sittlichen Unzulänglichkeit des eigenen Lebens und des Lebens der Menschenwelt, zeigt ihm die Gottesliebe immer neue Wege der Rettung der Seele aus Abfall und Schuld und gibt ihm die Kraft des Herzens zu wagen und zu retten, die Kraft der Menschenliebe.

Die Wahrheit der Religion ist nicht wissenschaftlich zu erweisen. Aber die Philosophie der Gegenwart zeigt uns die Rätselhaftigkeit der Welt, das Geheimnis der die Welt erfüllenden Kräfte und ihre mannigfachen Ordnungen. So zeigt sie uns auch die wunderbaren spezifisch menschlichen Kräfte des Denkens, Fühlens und Wollens. Wenn wir diesen Kräften nicht vertrauen, wird uns die Welt zum Chaos. Vertrauen wir ihnen aber, dann dürfen wir der tiefsten Kraft nicht misstrauen, der Kraft des menschlichen Herzens, Gott zu fühlen und zu lieben. "Höre Israel, der Ewige ist unser Gott, der Ewige ist Einzig. Du sollst den Ewigen Deinen Gott lieben mit ganzem Herzen, mit ganzer Seele und mit ganzer Kraft." (Deut. 6. 4,5).

In Ehrfurcht verbunden dem Ringen der kulturellen Menschheit um Erhebung des menschlichen Lebens zur Höhe seiner geistigen und sittlichen Bestimmung wissen wir uns in Treue vereint mit der Frömmigkeit unserer Väter und bekennen uns mit ihnen zu dem Gott Israels, der als der Allmächtige der Hort und die Zuversicht der Menschheit ist.

DIE LEHRE VOM UNGESCHRIEBENEN GESETZ IM JÜDISCHEN SCHRIFTTUM.

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ICH habe an anderer Stelle[1] versucht, einen wichtigen Begriff des griechischen Denkens durch die jüdische Religionsphilosophie hindurch zu verfolgen. Solche Betrachtungen führen, wie mir scheint, zu einer wesentlich genaueren Bestimmung des Verhältnisses der jüdischen zur griechischen Denkweise, und zwar sowohl in geschichtlicher wie systematischer Hinsicht. Einen ähnlichen Versuch möchte ich im folgenden an einem Begriffe unternehmen, dessen Auffassung im Judentum nur gelegentlich—und zwar in einem früheren Bande dieser Jahrbücher[2]—gestreift, aber noch nicht behandelt worden ist. Es ist der Begriff des *ungeschriebenen Gesetzes* (*Agraphos Nomos*).

Zunächst ein kurzes Wort über diesen Begriff selbst[3] und über seine innere Beziehung zu dem allgemeinen Zuge des jüdischen Denkens.

Dass es in Griechenland den Begriff des "ungeschriebenen Gesetzes" gab, weiss mindestens jeder humanistisch Gebildete aus seiner Gymnasialzeit. Gegenüber dem Gesetz des Königs Kreon, das dem gefallenen Gegner das Grab versagt, führt Antigone als Schwester des Toten das ungeschriebene Recht des Menschen auf die Bestattung an. Dies allbekannte Beispiel ist gerade für unsere Zwecke besonders lehrreich. Es zeigt, worauf bei dem Worte "ungeschrieben" der Nachdruck liegt: nicht auf der anderen *Form* der Verkündigung—denn "geschrieben" war auch Kreons Gesetz nicht— sondern darauf, dass es *überhaupt*

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[1] *Die Lehre von der Zweckbestimmung des Menschen im griechisch-römischen Altertum und im jüdischen Mittelalter*, Breslau, 1926.

[2] Isaac Husik, The Law of Nature, Hugo Grotius and the Bible, *Hebrew Union College Annual*, II, 381ff.

[3] Im allgemeinen vgl. Rudolf Hirzel, *Agraphos Nomos*, Abhandlungen der Sächs. Gesellschaft der Wissenschaften, Philol. hist. Klasse, XX, 1.

nicht von einer *Behörde* verkündigt war, sondern auf einer anderen u. z. offensichtlich höheren Autorität beruht.[4] Denn *Nomon graphein* heisst griechisch zwar in wörtlicher Uebersetzung "ein Gesetz schreiben"; gemeint aber ist "ein Gesetz geben"; ich könnte also den griechischen Begriff des *Nomos agraphos* sinngemäss mit "nicht gegebene Gesetze" wiedergeben.

Schon diese ganz einfache Feststellung veranschaulicht den Abstand dieses griechischen Begriffspaares von dem jüdischen Paare "mündliche und schriftliche Thora," mit dem man es (s. u.) verwechselt hat. Was in Griechenland gleichgültig ist, die Form der Erteilung, bildet in Palästina das unterscheidende Merkmal; "erteilt" ist ja natürlich auch die mündliche Thora, wenn auch in anderer Form; eine andere als "erteilte" Thora wäre dem Talmud eine *contradictio in adiecto.* Und was dem Griechen Anlass zu seiner Unterscheidung gab, der Glaube daran, dass ein Gesetz auch ohne ausdrückliche Erteilung volle, ja, dem erteilten Recht überlegene Gültigkeit haben kann, ist für den Juden der mischnisch-talmudischen Zeit einfach nicht formulierbar. Auf einzelne Ausnahmen, wirkliche und scheinbare, kommen wir zurück. Hier müssen wir zunächst nur die grossen Linien des Denkens hüben und drüben ins Auge fassen.

Alsdann aber ergibt sich leicht der tiefe lebensanschauliche Gegensatz der beiden Kulturen, der in den beiden Begriffsschöpfungen zum Ausdruck kommt. Wohl kann Agraphos Nomos auch in weiterem Sinne gebraucht werden als nur vom Gesetz des Gewissens; auch Gebräuche, die nur auf dem Herkommen beruhen, also Minhagim in jüdischer Rechtssprache, können "ungeschriebene Gesetze" heissen.[5] Wenn aber das "ungeschriebene Gesetz" griechischem Sprachempfinden stets als das *höherwertige* gegolten hat,[6] so liegt das daran, dass man bei ihm in erster Reihe an jenes Gesetz dachte, das ganz unabhängig von jeder menschlichen Satzung, ihren Zufällen und ihrem Unrecht, durch die Wirkung der *Natur* besteht. Und je deutlicher das hellenistische Denken, insbesondere in der Stoa, aussprach, was dem Griechen bereits im 5. Jahrhundert im Empfinden lag, dass das Natürliche zugleich das Menschenüberlegene, also Göttliche ist, um so klarer wird, dass eigentlich nur das ungeschriebene Gesetz den Anspruch erheben darf, Gesetz zu heissen—die geschichtlichen Rechte dagegen nur insofern, als sie mit ihm übereinstimmen. Wie die Religionen aus der Urreligion, so saugen die geschriebenen Rechte ihre Kraft und ihren Geltungsanspruch aus dem Rechte, das mit uns geboren ist.[7] Denn selbstredend galt dies Urgesetz nach der Anschauung der meisten Denker, die für es eintreten, bereits bei den ältesten Menschen, die, je näher sie der Ursache der Enstehung des Menschengeschlechts standen, umso gottähnlicher und weiser waren.[8] Im Vergleich zum geschriebenen Gesetz kommt ihm also "geschichtliche Priorität und logische Apriorität"[9] zu. Es ist durchaus nicht in dem Sinne "offenbart," wie die Delphischen Orakel; aber es stammt allerdings aus göttlicher Quelle, nämlich aus jener unwiderstehlichen, sinnvoll wirkenden Urgewalt der Natur, in deren Verehrung die Frömmigkeit des gebildeten Mannes der hellenistischen Zeit sich befriedigt.

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[4] Hirzels Verwahrung (S. 6) gegen den Versuch, im geschriebenen Gesetz das konstituierte zu sehen, scheint mir zu weit zu gehen. Er muss (S. 24) selbst zugeben, dass Kreons Gesetz, gegen das sich Antigone auf ungeschriebene Gesetze beruft, kaum schriftlich veröffentlicht war. Der Dichter sagt davon jedenfalls kein Wort.

[5] Näheres bei Hirzel, a. a. O.

[6] Vgl. Weiss, *Griechisches Privatrecht*, 73ff.

Der Gegensatz solcher Denkweise zu der allgemeinen Denkart des Judentums liegt zutage. Die Frage, ob der hellenische Begriff trotzdem auf das Judentum wirken konnte und welche Umbildung er in ihm erfahren musste, entbehrt also nicht des Interesses, ja, einer gewissen Paradoxie.

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[7] Am reinsten treten diese Anschauungen, insbesondere auch der Zusammenhang von Urrecht und Urreligion, zutage in denjenigen Stücken der rechtsphilosophischen Schriften Ciceros (*De republica* und *De legibus*), die aus stoischer Quelle stammen. Dass diese Quelle der Mittelstoiker Poseidonios ist, denke ich in dem nächstens erscheinenden 2. Bande meines Buchs *Poseidonios' metaphysische Schriften* zu erweisen. Auf den Zusammenhang mit Heraklit Fg. 114 D., nach welchem sich die einzelnen Gesetze aus dem allgemeinen nähren, hat neuerdings Kaerst, *Geschichte des Hellenismus*, II^2, 113, hingewiesen.

[8] Ueber diese Gottähnlichkeit der Urmenschen vgl. Sextus Emp. adv. Math. IX, 28, und Senecas 90. Brief (um von weiteren Belegen abzusehen): beide schöpfen aus Poseidonios.

[9] Heinemann, *Poseidonios' metaphysische Schriften*, I, 10.

1. PHILON.

Vom "ungeschriebenen Gesetz" redet Philon[10] häufig. Und für die theologischen Darsteller seiner Beziehungen zum Judentum, Carl Siegfried[11] und Bernhard Ritter,[12] besteht kein Zweifel, dass er an die "in Palästina mit so vielem Eifer gelehrte traditionelle Schriftauslegung" denkt. Ihre Auffassung hat das allgemeine Urteil der Theologen bestimmt; noch 1921 hat sich Strack[13] ihr angeschlossen. Andererseits hat Hirzel in seiner mehrerwähnten Abhandlung die genaue Uebereinstimmung des Sprachgebrauchs Philons mit dem seiner griechischen Quellen von vornherein vorausgesetzt und auf Grund dieser Voraussetzung seine Angaben aus griechischen Vorstellungen erläutert; auch er rechnet aber (S. 17) damit, dass auf die Lehre von den Patriarchen als Verkörperungen des ungeschriebenen Gesetzes jüdische Vorstellungen von Einfluss waren. Dagegen hatte ich bereits 1910 in einer Anmerkung zu einer der in Betracht kommenden Stellen[14] die Behauptung aufgestellt—ohne zu eingehender Begründung Raum zu finden—dass Philon den *rein griechischen* Begriff vertritt; wenig später ist Felix Perles[15] in einer Abhandlung, die noch zu würdigen sein wird, zu dem gleicher Standpunkt gelangt.

Die Bedeutung dieser Diskussion für die Auffassung der jüdischen Bildung Philons leuchtet ein. Hat er den *Begriff* der "mündlichen Lehre" gekannt, so kann er nicht ohne Vertrautheit mit ihrem *Inhalt* geblieben sein. Blieb er ihm unbekannt, so kann man sich kaum vorstellen, dass er die schulmässige Vertrautheit mit der Halacha besessen hat, die ihm z. B. Ritter zuschreibt.

So wichtig die Frage, so leicht fällt die Lösung—wenn man nur mit den beiden Begriffen, zwischen denen zu wählen ist, eine klare Anschauung verbindet.

Schon der Ausdruck *Agraphos Nomos*, den Philon gebraucht, gibt zu denken. Denn diejenigen griechisch schreibenden Schriftsteller, die zweifellos die "mündliche Lehre" gekannt haben, gebrauchen diesen Ausdruck nicht. Das Neue Testament (Mc. 7, 3; Mtth. 15, 2) spricht von einer Ueberlieferung (*Paradosis*) der Alten; Josephus (Alt. XIII 297) erklärt: "Die Pharisäer haben gewisse Gepflogenheiten (*Nomima*) dem Volke aus der Ueberlieferung der Ahnen übermittelt, welche in den Gesetzen (*Nomoi*) des Moses nicht verzeichnet sind; deshalb verwirft diese die saddukäische Partei, indem sie sagt, dass man nur jene geschriebenen (Gesetze) als verbindlich ansehen dürfe, aber die aus der Ueberlieferung der Väter stammenden nicht zu beobachten brauche". Er vermeidet es also, von "ungeschriebenen Gesezen" zu sprechen, wiewohl oder gerade weil ihm die Kenntnis dieses Begriffes zuzutrauen ist.

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[10] Ich zitiere nach Paragraphen der kritischen Ausgabe.

[11] *Philo von Alexandrien als Ausleger des A.T.*, 145.

[12] *Philo und die Halacha*, 14.

[13] *Einleitung in Talmud und Midraš*, 9.

[14] Spec. Leg. IV 149 (*Schriften der jüd.-hellenistischen Literatur*, II, 289, 1).

[15] *Judaica*, Festschrift für Cohen, 103ff.

Es wäre weiter zu fragen, ob Philon ein Hebraismus, wie es die Verwendung eines griechischen Kunstausdrucks im hebräischen Sinne wäre, zugetraut werden darf. Geht man davon aus, dass es etwas wie jüdische Schulen in Alexandrien, mindestens für den Kreis, dem Philon angehört, nicht gab,[16]—dass er ferner des Hebräischen garnicht mächtig war,[17] so erscheint freilich Hirzels Voraussetzung, dass er rein griechischem Sprachgebrauch folgt, von vornherein sehr wahrscheinlich. Aber wir brauchen nur seine Aeusserungen zusammenzustellen, um volle Gewissheit zu gewinnen.

A. DER AGRAPHOS NOMOS ALS URGESETZ.

1. *Umfang*. Während die "mündliche Lehre" nur für Israel gilt, herrscht der *Agraphos Nomos* Philons bei allen Völkern. Insbesondere ist allenthalben der Sklave "kraft ungeschriebenen Gesetzes" freier Mann (*Quod omnis probus liber*, 104).

2. *Alter*. Während nach jüdischer Auffassung die mündliche Lehre keinesfalls älter ist als die schriftliche—die freilich in bekannten, noch zu besprechenden Midraschstellen über Mose hinaufdatiert wird—bekennt sich Philon zur griechischen Lehre von der geschichtlichen Priorität des *Agraphos Nomos*. In den Patriarchen "sind die beseelten und vernünftigen Gesetze ver-

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[16] Gegen diese Meinung Boussets vgl. Heinemann *MGWJ*, 1923, 284ff.

[17] Vgl. einstweilen Heinemann, *MGWJ*, 1910, 506f.

körpert; und Moses verherrlicht sie, um erstens zu zeigen, dass die erteilten Gesetze mit der Natur in Einklang stehen (s. u.), zweitens, dass es den Gutwilligen nicht viel Mühe machen kann, den geschriebenen Gesetzen nachzuleben, da die Früheren, bevor noch die besonderen Gesetze aufgeschrieben waren, leicht und willig nach der ungeschriebenen Gesetzgebung gelebt haben—sodass man wohl sagen muss, dass die erteilten Gesetze nichts anderes sind als Kommentare zum Leben der Alten."[18]—Aus dieser Anschauung vom ungeschriebenen Gesetz ergibt sich seine

3. *Rechtfertigung.* Wärend das rabinische Judentum die Geltung der mündlichen Lehre entweder durch den Nachweis ihrer Offenbarung oder durch den Hinweis auf die göttlich legitimierte (Deut. 17, 11) Autorität des Synhedrion verteidigt, fährt Philon fort: "Die Patriarchen waren bei niemanden in die Schule gegangen; vielmehr selbstbelehrt und selbstunterwiesen, liebten sie die Folgsamkeit gegen die Natur, da sie die Natur selbst, wie es ja auch der Fall ist, für das altehrwürdigste Gesetz hielten."[19] Das ist ganz deutlich die griechische, insbesondere von der Stoa formulierte Theorie der Entstehung des Rechtes aus Physis, die sich von der jüdischen Lehre von der übernatürlichen Offenbarung unzweideutig abhebt. Aus diesem "physischen" Ursprung des Rechtes rechtfertigt sich aber nicht nur das ungeschriebene, sondern nach dem im vorigen Absatz angeführten Anfang der Stelle auch das geschriebene, insofern es ja nur ein Kommentar zu dem ungeschriebenen Gesetz ist, wie es im Leben der Alten zur Verkörperung kam. Der Wille des persönlichen Gottes, der in ein- oder mehrmaligen, geschichtlich überlieferten Gesetzgebungsakten übernatürlich zum Ausdruck kommt, scheidet also für die Begründung der Lebensanschauung völlig aus. Ein schärferer Gegensatz zur jüdischen Anschauung ist nicht denkbar.

B. DER AGRAPHOS NOMOS ALS BRAUCH.

Etwas näher steht der jüdischen Auffassung, wie wir wissen, die griechische Bezeichnung von *Volkssitten* als ungeschriebenen Gesetzen. Natürlich kennt Philon auch diese; so spricht er von ungeschriebenen, seit Alters vererbten Bräuchen (*De spec. leg.*, IV, 149ff.); insbesondere kennt er solche Bräuche auf dem Gebiet der jüdischen Familiensitte (Eusebius, *praep. ev.* VIII 7, 6 = II, 629 Mg.) Dass aber auch hier nicht der jüdische Sprachgebrauch vorliegt, beweist schon die eine Tatsache, dass Philon von solchen ungeschriebenen Bräuchen auch bei den *Heiden* weiss, zu deren Verführung die ungeschriebenen Ueberlieferungen religiöser Sitten beitragen (*Quis rer. div. h.*, 295). Im allgemeinen freilich hält er das Festhalten am Väterbrauch für verdienstlich. So gewiss er sich in diesem Punkte mit jüdischer Auffassung vom Minhag berührt, so wenig haben wir Veranlassung, griechische Quellen auszuschliessen. Wenn er etwa (*De spec. leg.*, IV, 150) ganz allgemein, also nicht ausschliesslich für Juden, lehrt, Kinder sollten von ihren Eltern nicht nur Geld und Gut, sondern auch die Vätersitten erben, so finden wir die gleiche Gesinnung auch bei einem Stoiker,[20] der einige Generationen später den Standpunkt der alten Stoa vertrat: "Nicht weniger Achtsamkeit als die Gesetze verdienen die wahrhaft väterlichen Sitten, die vielleicht noch älter sind als die Gesetze; . . . denn die Sitte will ein *ungeschriebenes Gesetz* sein, das sich auf einen schönen Gesetzgeber, auf die Zufriedenheit aller derer, die ihm nachleben, berufen darf." Und wenn er vollends ebd. den Gehorsam gegen die ungeschriebenen Bräuche deshalb hochstellt, weil auf deren Uebertretung keine Strafe stehe, so entspricht das nicht den jüdischen Gepflogenheiten, da das rabbinische Strafrecht (wie freilich Philon bezeichnender Weise nicht weiss!) auch Uebertretungen des geschriebenen Rechtes durchaus nicht in allen Fällen ahndet, dagegen für ärgerniserregende Verstösse gegen die gute Sitte unter Umständen Geisselstrafe vorsieht[20a]; vielmehr schöpft Philon mittelbar oder unmittelbar aus der Rhetorik des Aristoteles,[21] nach welcher "das Vergehen gegen die ungeschriebenen Gesetze grösser ist (als das gegen die geschriebenen); denn einen besseren

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[18] Vgl. *De Abr.* 5; ähnlich *De decalogo*, 1; *De virtutibus*, 194.

[19] *De Abr.*, 6.

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[20] Hierokles, herausgegeben von H. von Arnim, *Berliner Klassikertexte*, Heft IV, S. 52, 8ff.

[20a] Vgl. Sanh. 46a über die Bestrafung eines Mannes, der (wohl nach kynischem Muster) einen öffentlichen Platz mit seinem ehelichen Schlafgemach verwechselte.

[21] 1375 a, 15ff.; Parallelen bei Hirzel, a.a.O., 17, 1

Charakter verrät es, nicht aus Zwang gerecht zu sein; das geschriebene Recht wird aber aus Zwang beobachtet, das ungeschriebene nicht."

Man sieht: Philons Auffassung und Begründung der ungeschriebenen Gesetze hält sich auf das genaueste an griechische Denk- und Redeweise; er geht daher mit den Rabbinen nur so weit zusammen, wie es auch die Stoiker tun, und weicht ebenso wie diese in den entscheidenden Punkten von ihnen ab. Gewiss kennt er midraschische Deutungen biblischer Erzählungen (wenn auch lange nicht in dem Umfange, wie Siegfried geglaubt hat);[22] er will ja (*Vita Mosis*, I, 4) das Leben des Moses beschreiben, "wie er es teils aus der Heiligen Schrift, teils aus Mitteilungen älterer Leute kennt;" aber mit dem *Agraphos Nomos* haben diese Mitteilungen nichts zu tun. Und wenn er für die Beschneidung allerhand Zweckmässigkeitsgründe geltend macht, die ihm "überliefert wurden von gottbegnadeten Forschern der Vergangenheit, die Moses' Werk zum Gegenstand sorgfältigster Studien gemacht haben" (*De spec. leg.*, I, 8), so ist er weit entfernt, auf halachische Einzelbestimmungen anzuspielen. Der Kenntnis schriftgelehrter Gesetzesüberlieferung rühmt sich Philon nie und nirgends.

Unsere Untersuchung ergibt also, dass Philon nicht nur von einem der grundlegenden Begriffe der rabbinischen Gesetzeslehre, dem der mündlichen Thora, offenbar keine Ahnung hat, sondern, was weit wichtiger ist, in seiner Stellung zum Gesetz und seiner Anschauung von dessen Wesen aufs stärkste von griechischer, insbesondere stoischer Spekulation abhängt. Gleiches werden wir natürlich von andern, gleichfalls hellenisierten Juden annehmen müssen. Und von hieraus verstehen wir, dass es in Alexandrien nicht selten *jüdische Gegner des Thoragesetzes* gab. Der Grund lag nicht, wie man meist annimmt, in der allegorisierenden Methode, die freilich leicht zu einer Verflüchtigung des Wortsinnes führen konnte, sondern eben in jener griechischen Lehre, dass die Sondergesetze der einzelnen Völker, verglichen mit dem allgemeinen Urgesetz, keine absolute Bedeutung beanspruchen dürfen, wie man sie doch dem Thoragesetze zuschrieb; erst von hier aus wurde das Religionsgesetz zum Problem, das man auf allegorischem Wege zu lösen suchte. Philon selbst ist diesen Weg der Gesetzesleugnung oder doch Entwertung nicht zu Ende gegangen und hat die Gegner wörtlicher Innehaltung der Ritualgesetze getadelt, wenn auch nicht gerade mit sehr einleuchtender Begründung.[23] Aber er scheut sich keineswegs, ihnen manche Deutungen zu entlehnen; auch ihm ist Josef, der Politiker, etymologisch (menschlicher) Zusatz zum göttlichen Naturgesetz;[24] und unter den Deutungen der Festtagsgesetze befinden sich einige höchst merkwürdige, die die Auszeichnung einzelner Tage aufheben zu Gunsten des kynischen Dogmas, dass jeder Tag des Edlen ein Festtag sei.[25] Ja, er unterscheidet einmal sehr scharf zwischen dem untrüglichen "Gesetz" schlechthin, das mit der Weltvernunft zusammenfällt, und den Staatsgesetzen, die Sterbliche auf vergänglichen Stoffen, Stein oder Pergament, aufgezeichnet haben[26]—ohne für die Thora eine Ausnahme festzustellen. Natürlich würde er sich nicht beim Wort nehmen lassen; er ist von der Verbindlichkeit der Thora durchaus überzeugt. Aber er rechtfertigt seine Ueberzeugung nicht durch den Offenbarungsglauben; die Frage, ob man Moses lieber den Gesetzgeber oder den Dolmetsch göttlicher Gesetze nennen will, kann er ruhig offen lassen[27]: vielmehr sucht er von Gesetz zu Gesetz nachzuweisen, dass die mosaische Ordnung dem Naturgesetz entspricht, also jene Spezifikation des ungeschriebenen Gesetzes darstellt, deren nach der Ansicht der meisten jüngeren Stoiker—im Gegensatz zu ihren kynischen Vorgängern—die Menschheit nicht entraten kann.[28]

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[22] Näheres in den Anmerkungen zur deutschen Uebersetzung der allegorischen Schriften.

Wie der Sinn der rabbinischen Unterscheidung zwischen einer schriftlichen und einer mündlichen Thora Philon völlig fremd ist, so weiss er auch nichts von der Abstufung biblischer, d. h. inspirierter, und rabbinischer, also menschlicher Vorschriften. Offenbar hängt das mit seiner Grundanschauung zusammen. Ist ein Gesetz berechtigt und vernünftig, so entspricht es dem Willen der göttlichen Natur und beruht also auf der denkbar stärksten Autorität, selbst dann, wenn es von Menschen gegeben wurde. Für die rabbinische Anschauung dagegen, die auf die äussere Beglaubigung des Gesetzes das Hauptgewicht legt, besteht natürlich zwischen göttlicher und menschlicher Satzung ein ungeheurer Unterschied, der sich bereits in den ältesten Schichten der Mischna, aber auch im Neuen Testament, mit voller Deutlichkeit geltend macht. Philons Vorbeigehen an dieser Unterscheidung beweist aufs neue seine Unabhängigkeit von der jüdischen Rechtslehre und seine Verwurzelung im griechischen Denken.

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[23] *De migr. Abr.*, 89.

[24] *De Josepho, 28.*

[25] *De spec. leg.*, II, 41ff; näheres an anderer Stelle.

[26] *Quod omnis probus liber*, 46.

[27] *Vita Mosis*, I, 1.

[28] Ich denke insbesondere an Poseidonios' Rechtfertigung der geschriebenen Gesetze, soweit sie von Weisen gegeben und daher mit dem Naturgesetz in Einklang sind; Seneca Ep. 90, 6; 94, 38. Nähere Betrachtung dürfte zeigen, dass Philons Darstellung der mosaischen Idealgesetzgebung ihre genaue Parallele findet in dem Bilde, das dieser Philosoph und Historiker z. B. von den Idealgesetzen Zaleukos und Charondas entworfen hatte.

[Auch den römischen Begriff des *ius non scriptum* (Hirzel, a. a. O., 14) scheint Philon nicht gekannt zu haben, wiewohl er gelegentlich, wie an anderer Stelle zu zeigen sein wird, von römischen Rechtsbegriffen beeinflusst scheint.]

Nun wäre es ja freilich denkbar, dass Philon, ohne die jüdischen Rechts*begriffe* zu kennen, doch von manchen *Anordnungen*, die zur mündlichen Lehre gehören, Kenntnis gehabt hat. In der Tat hat Ritter in seiner mehrerwähnten Arbeit den Nachweis versucht, dass seine Bestimmungen über alle Gebiete des Rechtswesens, insbesondere über das Kriminalrecht, sich auf Schritt und Tritt mit denen der Mischna berühren. Sieht man aber näher zu, so ergibt sich bei diesen Untersuchungen derselbe methodische Mangel, auf den wir bereits aufmerksam wurden. Ritter zeigt zwar in dieser seiner Jugendarbeit eine sehr schätzenswerte Vertrautheit mit dem gesamten Gebiete der jüdischen Gesetzesliteratur, weiss aber nichts von griechischem Recht. So wenig daraus dem Theologen ein *Vorwurf* zu machen ist, so offenbar werden seine *Ergebnisse* dadurch beeinträchtigt. Vergleicht man Philon einerseits mit den griechischen Rechtsordnungen, die wir teils aus den attischen Rednern und Inschriften, teils aus den Papyri kennen, andererseits mit der Mischna, so ergibt sich (soweit Philon nicht durch den Buchstaben der LXX gebunden ist) durchgängige Uebereinstimmung mit den hellenistischen Rechten, daher Abweichung von dem Rechte der Mischna in den wichtigsten

Grundzügen, Übereinstimmung nur in solchen Einzelheiten, in denen auch das griechische Recht mit ihm zusammengeht. Ich denke, in meinem Buche über *Philons griechische und jüdische Bildung* diesen Nachweis im einzelnen zu führen. Natürlich hat Philon manchen jüdischen Brauch nachbiblischen Ursprungs gekannt,[29] wie auch die Heiden von Sabbatlichtern wussten; aber abgesehen davon, dass auch diese Kenntnisse bei ihm nicht weit gehen, so beweisen sie natürlich in keinem Falle irgend welche schulmässige Kenntnis der Halacha.

Wenn also das Bild, das sich insbesondere Ritter von Philons Kenntnis der mündlichen Lehre gemacht hat, als irrig und irreführend abzulehnen ist, so ist doch gerade jener Irrtum für die Philon-Forschung lehrreich. Es war nicht böser Wille oder Mangel an Wahrheitssinn, wenn die Theologen in den Begriff des *Agraphos Nomos* den der תורה שבעל פה hineindeuteten; das taten sie durchaus *unwillkürlich*, weil sie sich gar nicht denken konnten, dass dieser Begriff einen anderen als den ihnen geläufigen Sinn haben könnte. Genau wie ihnen mit Philon, erging es Philon mit der Bibel. Wenn er etwa fand, dass der Mensch im "Abbild" Gottes geschaffen sei, so fasst er das griechische Wort für "Abbild" (*εἰκών*) in dem Sinn, der ihm aus Platon geläufig ist[30], und sieht im biblischen Schöpfungsbericht die Lehre ausgesprochen, dass die sichtbare Welt nur ein Abbild der unsichtbaren Ideenwelt sei; das Bewusstsein, etwas hineinzudeuten, hat er ebensowenig wie Ritter; er ist vielmehr fest überzeugt, den philosophischen Begriff unzweideutig in der Bibel vorzufinden.

2. RABBINISCHES SCHRIFTTUM.

Mit den soeben besprochenen Philonstellen hat Felix Perles[31] eine Reihe wichtiger Stellen des palästinischen Schrifttums in Verbindung gebracht.

"So unumstösslich die Tatsache ist," schreibt er, "dass das Judentum in allen Phasen seiner Entwicklung sich zur *Hetero-*

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[29] Vgl. über seine Kenntnis des Gelübdewesens Heinemann, in *Judaica*, Festschrift für H. Cohen, 109ff.

[30] Vgl. Jakob Horovitz, *Untersuchungen zu Philons und Platons Lehre von der Weltschöpfung*, 64.

[31] *Judaica*, Festschrift für Cohen, 103ff.

nomie bekannte, und so sicher die jüdische Anschauung am prägnantesten zum Ausdruck kommt, in dem Satz: "Höher steht der, der auf Befehl handelt, als der, der nicht auf Befehl handelt," finden sich doch im jüdischen Schrifttum verschiedene Stellen, an denen die Erkenntnis von der Autonomie der Sittlichkeit blitzartig aufleuchtet." Diese Stellen, meint Perles, stehen "in *innerem Widerspruch* zur jüdischen Lehre" und sind nur aus fremder Einwirkung zu erklären, und zwar aus dem Einfluss der Lehre *Philons* vom ungeschriebenen Gesetz.

Beide Behauptungen—die systematische wie die geschichtliche—scheinen mir zu weit zu gehen. Und da es sich um eine grundsätzlich recht wichtige Anschauung handelt, dürfte eine schärfere Fassung sich verlohnen.

An der Stelle, auf welche sich Perles zum Beweis für die Heteronomie der talmudischen Ethik in erster Reihe beruft (Kidd. 31a), ist im Zusammenhang von dem Gebot der Elternehrung die Rede. Wie weit diese zu gehen hat, veranschaulicht ein Rabbi durch das Beispiel eines Heiden, der den vorteilhaften Verkauf eines kostbaren Edelsteins ablehnte, um den Schlaf seines Vaters nicht zu stören. Nach einiger Zeit wurde in seinem Stall eine rote Kuh geworfen, die er viel vorteilhafter an Juden verkaufen konnte. Daran wird die Folgerung geknüpft: wenn schon dieser Heide belohnt wurde, der ohne ausdrücklichen (göttlichen) Befehl gehandelt hatte, wie viel mehr der Jude, der den Befehl seines Gottes erfüllt.

Daraus folgt dreierlei:

1. Handlungen "ohne Befehl," also, wenn man mit Perles Fachausdrücke des neueren philosophischen Denkens auf den Talmud anwenden will, "autonome" Handlungen gelten dem Talmud durchaus als *möglich*.
2. Solche Handlungen gelten durchaus als *verdienstlich*, göttlicher Belohnung würdig und vorbildlich für Juden.
3. Aber freilich gelten Handlungen, die auf Grund eines göttlichen Befehls erfolgen, als *noch verdienstlicher*.

Von diesen drei Sätzen lassen sich die beiden ersten auch sonst aus dem talmudischen Gedankenkreis belegen. Nicht nur Heiden früherer Zeit haben die Rabbinen, die die Vorlesung des Buches Jona anordneten, ihren Glaubensbrüdern als Muster der

Busse vorgeführt, sondern sie haben auch keinen Anstoss daran genommen, das sittliche Verhalten der Perser als vorbildlich zu rühmen.[32] Dagegen ist der dritte Satz, wie die Fortsetzung der Stelle zeigt, umstritten. Trotzdem mag man ihn in gewissem Sinne für die rabbinische Denkweise kennzeichnend finden. Der Sinn des Lebens liegt für das rabbinische Judentum wesentlich in der Uebereinstimmung mit der göttlichen Offenbarung. Selbst die Sittlichkeit der Heiden sucht man nach Möglichkeit (durch die Lehre von den noachidischen Geboten) als Gehorsam gegen ein äusseres, geoffenbartes Gesetz zu begreifen. Zweifellos liegt hierin ein Gegensatz zu jeder "autonomen" Ethik; es ist z. B. bezeichnend, dass nach Philon[33] die Leviten beim goldenen Kalbe freiwillig gehandelt haben sollen, trotz Ex. 32, 27, während sich nach dem Talmud (Sanh. 82a) der Eiferer Phineas nur auf eine alte, vergessene Halacha besonnen hat.

Aber so verdienstlich es ist, wenn Perles in Auseinandersezzung mit Lazarus insbesondere den Unterschied der jüdischen und der Kantischen Ethik hervorhebt, so wenig geht es an, die Grundanschauung des Talmud an die jener Kirchenväter heranzurücken, denen die sogenannten Tugenden der Heiden nur glänzende Laster sind. Und wenn den Rabbinen ein "autonomes" sittliches Handeln neben dem "heteronomen" möglich und verdienstlich schien, so liegt in der *Anerkennung* dieser beiden Motive natürlich kein Widerspruch—so gewiss sich für die *Bemessung* ihres Geltungskreises sehr widersprechende Meinungen ergeben konnten und, wie sich noch zeigen wird, ergeben haben.

Wenn sich also Perles (S. 105) darauf beruft, dass nach dem Talmud die Bemessung mancher Pflichten "dem Herzen überlassen sei" (דבר המסור ללב), so liegt darin durchaus kein Gegensatz zu der von ihm eingangs erwähnten Grundanschauung des Talmud. Denn es ist nicht abzusehen, weshalb das "Herz" beim Juden nicht genau so laut reden dürfte, wie bei jenem heidnischen Sohn,—soweit ihm eben Gott die Entscheidung "überlassen" hat. Der Ausdruck des Talmud spricht vielmehr dafür, dass solche Fälle, in denen das Gesetz keine Entscheidung trifft, zu den Ausnahmen gehören, und dass keineswegs versucht wird, das Sitten- oder Religionsgesetz ganz oder auch nur im wesentlichen auf die Entscheidung des Herzens zurückzuführen.

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[32] Ber. 8b.

[33] *De spec. leg.*, I, 79; III, 127.

Den Ursprung dieser Lehre des Talmud von der Stimme des frommen Herzens in der griechischen Philosophie zu suchen, wird man wenig geneigt sein. Gewiss haben die Talmudisten das heteronome Prinzip, wie ihre Lehre von den Noachidischen Geboten zeigt, schärfer ausgeprägt als die Thora. Aber so fern standen sie deren Geist doch nicht, um ihre Lehre von der Selbständigkeit der ethischen Forderung in der Weise zu verkennen, wie es etwa die asch'aritische Schule im Islam getan hat. "Wenn Abraham das kühne Wort ausspricht: Sollte der Richter der ganzen Erde keine Gerechtigkeit üben, so existiert für ihn der Begriff einer absoluten Gerechtigkeit, der auch Gott selbst als Richter der ganzen Erde gehorchen müsse."[34] Und da diese Gerechtigkeit jedem erkennbar ist, so unterscheidet sie zwischen "Gottesfürchtigen," d. h. Frommen, und Unfrommen, auch bei den Heiden,[35] vor und nach den Offenbarungen an Noah.[36] Diesem Bilde der Bibel entsprach das Bild des Lebens; wer Nichtjuden kannte und mit den sittlichen Masstäben an sie herantrat, welche die Lebensanschauung der Bibel notwendig erzeugte, der musste den Unterschied zwischen den "Frommen anderer Völker" und brutalen Gewaltmenschen erkennen. Dieser Unterschied aber liegt doch nur darin, dass in jenen die Stimme des Gewissens noch lebendig war.

So wenig es also angeht, *jede* Betonung autonomer Motive sittlichen Handelns im Talmud auf griechischen Einfluss zurückzuführen, so besteht doch—eben wegen der Anerkennung heidnischer Frömmigkeit—durchaus die Möglichkeit, dass die Talmudisten von ethisch hochstehenden Lehren der Griechen gelernt haben. Auch die biblischen Weisheitsbücher schöpfen—gelegentlich mit Namensangaben—aus den Sätzen heidnischer Lehrer. Es ist durchaus anzunehmen, dass sich die Rabbinen durch die Ethik griechischer Popularphilosophen in ihrem Glauben an eine allgemein-menschliche Sittlichkeit bestärkt fühlten, u. z. nicht nur durch den besonderen Inhalt dieser Lehren, sondern schon durch die Existenz heidnischer Systeme der Ethik. Dass sie in diesem Zusammenhange die Lehre vom ungeschriebenen Gesetz kennen lernten, erscheint als wohl möglich; man wird daher Perles' Belege nachprüfen müssen.

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[34] Ich entnehme diesen Satz dem druckfertigen Mskr. meines lieben Kollegen Prof. Michael Guttmann aus seinem Werk: *Das Judentum und seine Umwelt* (erscheint in Berlin, Philoverlag, 1927). Ebd. ist auf Verwandtes, insb. auf Hiob 8,3, verwiesen.

[35] Gen. 42, 18 (Josef stellt sich als Heiden!), Deut. 25, 18.

[36] Hierher gehört auch der Hinweis des Talmud Erubin 100b auf mustergültige Eigenschaften der Tiere (=Spr. Sal. 6), der mit der wenig tierfreundlichen Haltung gerade der stoischen Vertreter einer natürlichen Ethik kaum im Einklang steht.

An einer Reihe von Stellen (Perles, S. 104) wird an die Vorschrift, die Gesetze zu üben, unter Verwertung des Doppelsinns von עשה (*üben* und *machen*) bemerkt, dass Gott die Uebung eines Gebots so hoch anrechne, wie wenn es der Gläubige selbst geschaffen habe. Hier handelt es sich um eine Hyperbel, der möglicherweise die Empfindung zugrunde liegen könnte, dass in dem willigen und verständnisvollen Gehorsam in Wahrheit auch ein aktives Moment liegt. Keinesfalls wird hier der Gedanke ausgesprochen, dass der Mensch imstande wäre, die Gebote der Thora (von einer Beschränkung auf ethische Gebote ist nicht die Rede) zu schaffen. Und selbst wenn dieser Gedanke ausgesprochen würde, so hätte er mit dem Begriff des ungeschriebenen, natürlich auf sittliche Gesetze beschränkten Urrechtes sehr wenig zu tun.

Ernstere Beachtung fordern einige Midraschstellen, aus denen Perles die Worte heraushebt: "Als die Thora noch nicht gegeben war, hielten sie (die vormosaischen Frommen) sie *von selbst*." Es ist sehr verdienstlich, wenn Perles auf die beiden gesperrten Worte grosses Gewicht legt und die in ihnen zutage tretende Vorstellung bestimmt scheidet von der mutmasslich jüngeren, nach welcher die Thora, wenn nicht sogar die rabbinischen Anordnungen dem Abraham bereits (mündlich) offenbart worden sind. Und unverkennbar klingt die Lehre von der *spontanen* Gesetzesbeobachtung der Patriarchen an die uns bekannte griechische Theorie vom ungeschriebenen Urrecht an. Nur ist zu beachten (was bei Perles' gekürzter Wiedergabe stark zurücktritt), dass der Kreis der Gebote, welche die Patriarchen "von selbst" gehalten haben sollen, über den Bereich der Gebote des ungeschriebenen Gesetzes zweifellos hinausgeht. Wenn z. B.[37] darauf verwiesen wird, dass Abraham "einen Widder dargebracht" hat, so ist damit schwerlich gemeint, dass er nur jenen "Drang zur Ehrung der Gottheit" bekundet hat, den auch die Stoa den Urmenschen zuschrieb,[38] sondern dass er ein Opfertier ausgesucht hat, welches, wie die Thora zeigt, Gott wirklich genehm ist. Aehnliches gilt von der ebd. erwähnten Einführung des Levirates durch den Patriarchen Jehuda. Auch hier ist schwerlich gemeint, dass ein besonderes Mass sittlicher Einsicht ihn geleitet habe, sondern dass es ihm gelang, den durchaus persönlich aufgefassten Willen Gottes zu ahnen.

Auch ein Kapitel der syrischen Baruchapokalypse (57, 2), welches Perles heranzieht, führt nicht weiter. Er hebt den Satz heraus: "Denn zu jener Zeit (der Patriarchen) war das Gesetz ungeschrieben bei ihnen allgemein bekannt, und die Werke der Gebote wurden damals vollbracht." Zunächst ist hier nicht auszumachen, ob die Patriarchen das Gesetz "*von selbst*" oder (der späteren jüdischen Anschauung entsprechend) auf Grund mündlicher *Offenbarung* hielten. Aber ganz sicher ist, dass der Verfasser, der unmittelbar vorher Adam wegen seiner Sünde mit dem "schwarzen Wasser" vergleicht und erst mit Abraham die Zeit der "hellen Wasser" beginnen lässt, sehr weit entfernt ist von jener Verherrlichung der Urmenschen, die von allen Anhängern der Lehre vom ungeschriebenen Urrecht, ganz besonders auch von Philon, vertreten wurde.[39]

Ein anderer Ausspruch, der sich heranziehen liesse, wäre das bekannte Wort Hillels an den Heiden, das Gebot der Nächstenliebe sei die ganze Thora, das *Uebrige* sei nur *Erklärung* (Schab. 31a). Der Gedanke, die Thora als Erklärung des sittlichen Grundgebotes aufzufassen, berührt sich doch in beachtenswerter Weise mit der uns bereits bekannten Philonstelle (*De Abr.*, 5), nach welcher die gegebenen (also geoffenbarten) Gesetze nur *Kommentare* sind zum Leben der Alten, in deren Persönlichkeit das ungeschriebene Gesetz sich verkörperte.

Dass an diesen drei Stellen die griechische Lehre vom

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[37] Midr. Lev. R. 2, 10 (von Perles ausgeführt).

[38] Dion von Prusa, XII 60 (aus Poseidonios).

[39] Heinemann, *Poseidonios' metaphysische Schriften*, I, 89f.

Agraphos Nomos nachwirkt, scheint mir zwar nicht erweislich, aber möglich und wahrscheinlich. Ist es der Fall, so haben freilich die Rabbinen diese Lehre einer beträchtlichen Veränderung unterworfen. Sie haben anstelle rein sittlicher Gebote den Urmenschen die ganze Thora zugeschrieben—wie sie auch die Weisheit in den ersten Kapiteln des biblischen Spruchbuchs bekanntlich als Thora verstanden und den Platonischen Satz von der Priorität der Ideenwelt gegenüber der Sinnenwelt auf die Priorität der Thora übertragen haben. Und Hillel hat—wenn jene Vermutung richtig ist—mit Hilfe einer griechischen Lehre die gerade dem Griechen fernliegenden Gesetzesbestimmungen zu rechtfertigen gesucht.

Ausgeschlossen erscheint mir diese Möglichkeit schon deswegen nicht, weil das rabbinische Judentum, so wenig es m. E. von griechischer Fachphilosophie[40] weiss, doch sehr stark beeinflusst ist durch die Anschauung jener Volksredner, welche die stoische Lehre in sehr fasslicher Form auf den Märkten und Gassen des Orients verkündeten.[41] Dagegen erscheint mir Perles' Annahme der Einwirkung *Philons* nicht nur völlig unbewiesen, sondern mehr als unwahrscheinlich (von den chronologischen Bedenken gegen Philons Wirkung auf Hillel ganz abgesehen). Ich muss auch auf das bestimmteste Perles' Meinung (S. 105) widersprechen, dass Philons Lehre von Logos und Weltschöpfung Spuren in der rabbinischen Literatur hinterlassen habe. Die schwachen Parallellen, die sich hier finden, erklären sich ungezwungen aus der Nachwirkung der gleichen Quellen, die der Hellenist zum Teil unmittelbar, die Palästiner meist durch gnostische Vermittelung kennen. Solche Lehren, die Philon eigentümlich wären, kennt der Talmud nicht; und ob die Rabbinen Schriften, die eine so genaue Kenntnis wissenschaftlicher Fachausdrücke voraussetzen, wie die Philonischen, hätten lesen können—und wollen, ist eine Frage, die ich jedenfalls nicht bejahen möchte.

Blicken wir nunmehr auf das rabbinische Schrifttum zurück, so ergibt sich, dass Hirzels Annahme, Philons Vorstellung von den Patriarchen als Verkörperungen des ungeschriebenen Gesetzes weise auf jüdischen Einfluss, nicht nur ganz überflüssig, sondern auch sehr unwahrscheinlich ist, da Philon den Begriff des Agraphos Nomos in einer Reinheit kennt, die er im palästinischen Schrifttum sich nicht bewahrt hat.

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[40] Heinemann, *MGWJ*, 1925, 168f.

[41] Bergmann, *Judaica*, Festschrift für Cohen, 145f.; Kaminka, *REJ*, 1926 (*Mélanges Levi*), 233ff. (wo freilich viel Belangloses unterläuft).

3. AUSBLICK AUF DAS NACHTALMUDISCHE SCHRIFTTUM.

Wie wenig angebracht es ist, mit Perles in jeder Anerkennung eines nicht geoffenbarten Gesetzes Einfluss der griechischen Lehre vom ungeschriebenen Urrecht zu sehen, zeigt am besten das mittelalterliche Denken.

Denn die beiden Begründungen der Gesetzlichkeit, die "autonome" und die "heteronome," treten im Mittelalter mit weit grösserer Schärfe hervor. Wenn es die Zeit der Mischna und des Talmud noch durchaus nötig hat, aus eigenem Denken—also "autonom"—die biblische Ethik zu ergänzen, so traten diese *selbstgefundenen* Weisungen dem mittelalterlichen Menschen mit dem Gewand der *Autorität* umkleidet entgegen; der selbständigen Findung ethischer Lebensregeln war also für diejenigen Kreise, welche Anschluss an die Autorität suchten, ein erheblich engerer Spielraum gezogen. Andererseits sucht die Philosophie nicht nur vereinzelte Lebensregeln aus der Erfahrung zu schöpfen, sondern mit einer dem jüdischen Altertum unbekannten Kühnheit eine wissenschaftliche Ethik auf methodischer Grundlage zu entwerfen.

Sehr schön treten die Unterschiede der Betrachtungsweise in der Stellung zu den "Sprüchen der Väter" hervor. Obadja Bertinoro beginnt bekanntlich seinen Kommentar mit den Worten: "Weil dieser Traktat nicht auf eins der Thoragesetze gegründet ist, wie die übrigen Mischnatraktate, sondern nur ethisch-pädagogischen Inhalts ist und die Weisen der fremden Völker ebenfalls ethische Schriften verfasst haben, wie sie sie sich in ihrem Herzen ersonnen, über das Verhalten des Menschen zu seinem Nebenmenschen, deswegen begann der Mischnalehrer diesen Traktat mit den Worten: Mose empfing die Thora vom Sinai—um dich zu lehren, dass die ethisch-pädagogischen Lehren, welche dieser Traktat enthält, nicht von den Weisen frei ausgesonnen, sondern gleichfalls am Sinai offenbart wurden." Dagegen sendet Mose Maimuni seinem Kommentar die berühmten acht Kapitel voraus, in welchen er im Anschluss an jene "Erfindungen" griechischer Philosophen und Aerzte die Antwort auf ethische Grundfragen sucht.

Aber so gewiss die Vertreter des jüdischen Rationalismus methodisch mit Maimuni einig sind, so wenig wissen sie von dem Begriff eines ungeschriebenen Gesetzes,—so wenig kommen ihnen dessen philosophische Voraussetzungen deutlich zum Bewusstsein.

Wohl spricht Saadia jedem Menschen ein "unmittelbares Vernunfturteil"[42] auch über ethische Fragen zu ("wir wissen, dass die Wahrheit gut, die Lüge schlecht ist") und versucht, eine Lebenslehre auf rein menschliche Erwägungen zu begründen. Aber zu den kennzeichnenden Sätzen der Lehre vom ungeschriebenen Gesetz, dem Glauben an das einstmalige Vorhandensein und den höheren Wert eines nicht auf äusserer Festsetzung beruhenden Rechtes, kommt es bei ihm nirgends. Den Einwand, der von Vertretern dieser Lehre gern erhoben wurde (wir fanden seine Spuren bei Philon), dass die Innehaltung besonderer, angeblich geoffenbarter Gesetze mit der Befolgung des Naturgesetzes in Widerspruch stehe, kennt er—nicht aus griechischer sondern aus indischer Quelle.[43] Seine bekannte und einflussreiche Unterscheidung zwischen "Vernunftgeboten" einerseits, "Geboten der Ueberlieferung" oder "des Gehorsams" andererseits hängt zwar natürlich (bereits in ihren arabischen Quellen) zusammen mit der *allgemeinen* Voraussetzung des griechischen Denkens, dass sich aus Vernunft eine Ethik methodisch ableiten lässt, aber nicht mit dem besondern Begriffe eines ursprünglichen, allem methodischen Denken vorausgehenden Urrechtes. Ähnliches gilt von der (namentlich dem Sufismus entlehnten) Unterscheidung der Pflichten des "Herzens" von denen der Glieder; denn hier ist "Herz" nicht, wie in der talmudischen Wendung דברים המסורים ללב das Organ menschlichen Ermessens im Gegensatz zu göttlicher Entscheidung, sondern jener Seelengrund, auf welchen nach Jehuda Hallevi gerade die übernatürliche Offenbarung wirkt.[44] Und wenn die Aristoteliker, ausgehend von dem Satze, dass Gott doch nichts Sinnloses tun kann, die Frage nach dem Zweck der Gebote aufwerfen und unter diesem Gesichtspunkt die unmittelbar (dianoetisch oder ethisch) wirksamen von den rituellen unterscheiden, so lassen sie auch hier den Begriff des ungeschriebenen Gesetzes ganz ausser Augen. So wenig sie Bedenken tragen, die sinnvollen Wirkungen der "Natur," von denen die Aerzte und Philosophen der Griechen sprachen, auf "Gott" zu beziehen,[45] so wenig reden sie (mit einer Ausnahme, die, wie sich sofort zeigen wird, die Regel bestätigt) von einer natürlichen Offenbarung des Sittengesetzes.

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[42] S. Horovitz, *Psychologie Saadias*, 48, Anm. 91; Rau, *MGWJ*, 1911, 520.

[43] Guttmann, *Religionsphilosophie des Saadia*, 134, 140 (nach *Imānāt* III).

In Wahrheit konnte gerade der Rationalismus weder die "geschichtliche Priorität" noch die "logische Apriorität" eines natürlichen Sittengesetzes anerkennen. Letzteres nicht, weil er auf die Anerkennung der Thora als des absoluten Gesetzes nicht verzichten wollte, aber auch weil das sehr starke juristische Interesse seiner führenden Vertreter den rein formalen Charakter eines rein natürlichen Sittengesetzes als Mangel empfinden liess. Es ist bezeichnend, dass Josef Albo, wohl der einzige jüdische Denker, der ein "natürliches Gesetz" deutlich vom "staatlichen" und "religiösen Gesetz" unterscheidet,[46] sogar dem staatlichen Gesetze wegen seiner grösseren Bestimmtheit den Vorzug vor dem natürlichen einräumt.—Ebensowenig aber konnte der Rationalismus an die geschichtliche Priorität des natürlichen Gesetzes in dem *ehrenden* Sinne glauben, wie die griechischen Rechtslehrer es taten, da der Gang der Kultur nach ihm durchaus aufwärts geht und die früheren Generationen, wie Maimuni oft in seinem "Führer," Levi ben Gerson z. B. in seinem Kommentar zum ersten Verse der Bibel betont, in Bezug auf ihr religiöses und sittliches Denken unter den heute lebenden standen.

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[41] Besonderes lehrreich für den Begriff des قلب sind Obermanns Ausführungen in seinem Buch über den Subjektivismus Ghazzalis.

[45] Maimuni gebraucht die Begriffe göttliches Wirken und Naturweisheit gleichbedeutend (B. Hamburger, *M. Einl. in die Mischna*, Anm. 104) und teilt die Lehre der Ärzte von der Heilkraft der zwecktätigen Natur (Neuburger, *Lehre von der Heilkraft der Natur*, 1926, 22f.).

[46] *Iḳḳarim*, I, 7; Husik, *Hebrew Union College Annual*, II, 392.

Ebensowenig konnte natürlich die halachistische Richtung daran denken, die Thora aus einem Naturrecht abzuleiten.

Dagegen finden sich merkwürdigerweise Anklänge an Gedanken, die im Zusammenhang mit der Lehre vom ungeschriebenen Gesetz auftreten, in der *Mystik*.

Das klingt in hohem Grade paradox. Denn das Bestreben, das allgemeine Gesetz über das besondere jüdische zu stellen, liegt der Mystik vielleicht noch ferner als selbst den Halachisten, geschweige den Rationalisten. Der Ḳabbala, wie verschieden sie auch zum Talmud stehen mag, ist die Thora doch immer nicht nur Gottes Wille, sondern auch die "mystische Urkunde," aus deren richtiger Auslegung wir (gemäss der Lehre *aller* Mysterienreligionen) den Sinn des diesseitigen und die Gewissheit des jenseitigen Lebens gewinnen.

Dennoch führen die Ideen des Neuplatonismus, die in der Ḳabbala nachwirken, dazu, zwar nicht ein ungeschriebenes Urrecht, wohl aber eine *ungeschriebene Thora* als Urbild der geschriebenen vorauszusetzen, der nicht nur eine gewisse logische Apriorität, sondern auch geschichtliche Priorität in ähnlichem Sinne zukommt wie dem Agraphos Nomos.

Bildet für den Rationalisten die Urmenschheit nur eine rudimentäre Vorstufe der Kulturmenschheit, so meint Mose Cordovero vielmehr:[47] "Je früher die Menschen lebten, je näher sie also der Schöpfung und der Entstehung des Menschengeschlechtes standen, desto höher war ihre Weisheit und ihre Erkenntnis. Die Weisheit Adams stand höher als diejenige Noahs, die Noahs und seines Geschlechts höher als die Abrahams und seines Geschlechts." Bedenkt man, wie umstritten im Talmud bekanntlich die Persönlichkeit Noahs war, so begreift man, dass ein Schriftsteller, dem die Midraschim Autorität sind,[48] Bedenken trägt, ganz offen Noah über Abraham zu stellen, und die Worte "sein Geschlecht" mildernd hinzufügt; nur kann man freilich nicht behaupten, dass die biblischen Berichte über die *Generation* Noahs diesen Zusatz als eine wesentliche Erleichterung erscheinen lassen. Man spürt deutlich, dass sich eine griechische Theorie

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[47] Horodetzki, תורת הקבלה של ר' משה קורדובירו, 272.

[48] Als מין gilt ihm הכופר במאמרי חז"ל ובדרשותיהם, ebd. 269.

(die freilich schon auf die Adamsvorstellung des Midrasch wirkte) gegen Bibel und Talmud durchsetzt.

In Adam waren nun nach Cordovero[49] alle 600,000 Seelen, die eine Generation umfasst, unbefleckt und rein vorhanden. Durch seine Schuld wurden sie befleckt. Aber geläutert, insbesondere durch das Leid der (ägyptischen) Verbannung, standen sie wieder am Sinai. Den sechs Hunderttausenden entsprechen die sechs Ordnungen der Mischna. Und das ist das Geheimnis des Bibelverses: "So sollst du sprechen zum Hause Jakobs und erzählen dem Hause Israel." Das bezieht sich auf die schriftliche und die mündliche Lehre. Und das ist das Geheimnis (der Beziehung) des Körpers und der Zeichen: den drei Teilen der Seele entsprechen Zeichen, Akzente und Vokale der Schrift. Nachdem aber die Seelen fehlerhaft geworden, *flogen die geistigen Buchstaben in die Luft und wurden verkörperlicht;* es verkörperlichten und verdichteten sich auch die Seelen; sie wurden beschädigt und bedurften erneuert der Verbannung und Läuterung.

So gewiss in diesen geheimnisvollen Andeutungen manches dunkel bleibt, so ist doch nicht zu verkennen, dass der Glaube an eine ungeschriebene Urthora hier zugrunde liegt.

Aber auch von anderer Seite kommt Cordovero den uns geläufigen griechischen Vorstellungen näher. Die starke Distanz zwischen Gott und dem Menschen, der nur in demütiger Unterwerfung unter Gottes Willen Befriedigung finden kann, wird bei ihm erheblich erweicht. "Wir sind die Schechina; denn die Schechina und die Seele Israels ist eins."[50] Natürlich bedeutet solche hyperbolische Redeweise keineswegs eine vollständige Identitätslehre im Sinne der christlichen Mystik, wie es ja auch eine grelle Uebertreibung ist, wenn man aus ähnlichen naturphilosophischen Hyperbeln ein "deutliches Bekenntnis zum Pantheismus"[51] hat heraushören wollen. Aber diese viel stärkere Heranrückung des Menschen an Gott musste freilich namentlich dann sehr merkwürdige Früchte tragen, als im Gegensatz zu

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[49] Ebd. 201.

[50] Ebd., 188.

[51] Ebd., Einl. S. .39 (בטוי ברור לתורת הפנתאיזם); in Wahrheit betont C. bekanntlich sehr häufig, dass Gott (das En Sof) vor der Welt bestanden hat und, wenn sie untergeht, weiter bestehen wird; z. B. S. 6 und 8 der Horodetzkischen Probensammlung.

Cordovero dem einzelnen führenden Frommen, dem *Zaddik*, eine besondere Beziehung zu Gott zugeschrieben und die Schroffheit des heteronomen Prinzips zu Gunsten spontaner Herzensfrömmigkeit gelockert wurde. Und so findet sich denn bei Rabbi Nachman aus Brazlaw das Wort: "Der Zaddik selbst ist Gesetz und Gebot" —wortwörtlich übereinstimmend mit dem Satze, den Aristoteles im Zusammenhang mit den uns bekannten Rechtsvorstellungen ausspricht:" Der Edle ist sich selbst Gesetz,"[52] und offensichtlich anklingend an die Philonische Lehre von den Patriarchen als Verkörperungen des Gesetzes.

Ich wollte auf solche Vorstellungen nur hinweisen; Mitforscher, welche das gesamte Gebiet der ḳabbalistischen Literatur übersehen, werden sicher noch manche andere Spuren finden.[53] Zur Beurteilung des Verhältnisses solcher Aeusserungen zu denen der nichtjüdischen Kulturwelt, insbesondere zur Prüfung der Frage der Abhängigkeit, reichen diese Andeutungen natürlich nicht aus. An unmittelbare Wirkung des Aristoteles oder gar des Philon auf die Ḳabbala wird hoffentlich niemand glauben wollen. So viel ist aber deutlich, dass die Ḳabbala, sei es durch mittelbare Entlehnung, sei es durch geistesverwandte Neuschöpfung, sich Begriffsbildungen genähert hat, die dem allgemeinen Zuge jüdischen Denkens fernliegen, die aber wohl dazu beitragen konnten, den geheimnisvollen Schimmer der Thora zu erhöhen und zu lebendiger Frömmigkeit anzuregen.

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[52] Horodetzki, ספר שבחי הבעש'ט, Einl. S. 13, zitiert die Worte הצדיק בעצמו החקים והמצוות = Arist. Nik. Eth. 1128 a 31 *ὁ χαρίεις οἷον νόμος ὢν ἑαυτῷ.*

[53] Vergl. die chassidischen Aussprüche bei Schechter, *Die Chassidim* (1904), 70: Abraham hat die Thora ohne ausdrückliches Gebot erfüllt, weil er einsah, dass sie das Leben alles Erschaffenen ist. Im messianischen Zeitalter wird die Thora nicht länger als etwas von Aussen Bestimmtes erscheinen, sondern in Herzen der Menschen sein.

A SIGNIFICANT CONTROVERSY BETWEEN THE SADDUCEES AND THE PHARISEES

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ONE of the important disputes between the Sadducees and Pharisees was about the manner in which the High Priest should bring in the incense into the Holy of Holies to be offered there on the Day of Atonement. The Sadducees claimed that the offering must be prepared outside of the Holy of Holies. Their practice demanded of the High Priest to put the incense upon the censer outside of the curtain, which separated the Holy of Holies from the rest of the Temple, and, while the smoke of the incense was coming up, to carry the censer with the smoking incense on it into the Holy of Holies and offer it there. The Pharisees, on the other hand, insisted that the incense should not be put on the censer outside of the Holy of Holies, but that the High Priest should enter the Holy of Holies carrying the censer with the fiery coals in his right hand and the spoon full of incense in his left hand. Only after he had entered inside the curtain should he put the incense upon the fiery coals on the censer and thus offer it there.

The Biblical law prescribing this offering of the incense in the Holy of Holies on the Day of Atonement is found in Leviticus XVI, 12–13 and reads as follows: ולקח מלא המחתה גחלי אש מעל המזבח מלפני יי ומלא חפניו קטרת סמים דקה והביא מבית לפרכת. ונתן את הקטרת על האש לפני יי וכסה ענן הקטרת את הכפרת אשר על העדות ולא ימות.

"And he shall take a censer full of coals of fire from the altar before the Lord, and his hands full of sweet incense beaten small, and bring it within the veil. And he shall put the incense upon the fire before the Lord, that the cloud of the incense may cover the Ark-cover that is upon the testimony, that he die not." It cannot be denied that the plain meaning of these Scriptural passages favors the Pharisees.[1] The interpretation put upon these two verses by the Pharisees is syntactically correct. The two consecutive verses prescribe consecutive actions. The priest should first enter within the veil and then, while inside, put the incense upon the fire. It is, therefore, evident that the difference of opinion between the two parties in this specific case was not merely the result of their well-known different methods of interpreting the Law. For as a rule the Sadducees insisted upon a strictly literal interpretation of the Law, while the Pharisees favored a free and more liberal interpretation. In this case, however, they have apparently reversed their positions.

It is also impossible to consider this difference between the two parties merely as the result of their respective attitudes towards the unwritten law or traditional practice. We cannot assume, as some modern scholars[2] following Maimonides[3] do, that the Pharisees followed an oral tradition when they insisted upon their interpretation of the Law in this case.

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[1] Compare A. Geiger in *Oṣar Neḥmad*, IV, p. 106; M. M. Kalisch, *A Historical and Critical Commentary on the Old Testament* (London 1872) to this passage in Leviticus; D. Hoffmann, *Das Buch Leviticus* (Berlin 1905), pp. 446–447. There seems to be one difficulty in this interpretation of the Pharisees in that it seemingly takes the expression לפני ד' in this verse as designating the Holy of Holies, when in many other passages of the Scriptures the same expression designates also the place outside of the Holy of Holies. This difficulty, however, is only apparent. It is true, that the Babylonian Gemara understood the Pharisees to have based their argument on the interpretation of the phrase לפני ד' in verse 13 as designating the Holy of Holies. But, as will be shown in the course of this essay, the Pharisees did not base their argument upon the interpretation of the phrase לפני ד' and they did not at all stress the interpretation of this phrase as designating the Holy of Holies.

[2] Rudolf Leszynsky, *Die Sadducäer* (Berlin 1912), p. 61, without referring to Maimonides says: "Beide Parteien berufen sich auf Schriftverse, aber da der Sinn des Pentateuch-Abschnittes mehr für die Sadducäer spricht, so müssen wir auch hier annehmen, dass die Pharisäer von einer mündlichen Ueberlieferung ausgegangen waren." Against his opinion, that the passage of the Pentateuch favors the Sadducees, see the authorities quoted in the preceding note.

[3] The passage in *Yad*, Abodat Yom ha-Kippurim, I, 7, reads as follows:
והיו (הצדוקין) אומרין שקטרת של יום הכפורים מניחין אותה על האש בהיכל חוץ לפרוכת
וכשיעלה עשנה מכניס אותה לפנים לקדש הקדשים הטעם זה שכתוב בתורה כי בענן אראה על
הכפורת אמרו כי הוא ענן הקטרת ומפי השמועה למדו חכמים שאין נותן הקטרת אלא בקדש
הקדשים לפני הארון שנאמר ונתן הקטרת על האש לפני ד'.
Maimonides does not give any source for his statement that the Pharisaic position was based upon a tradition מפי השמועה. It is also very strange that

In the first place, it is rather difficult to believe that the Pharisees could have been in possession of an old traditional law in regard to the performance of a ritual of which the Sadducean priests, who alone had been performing it for generations, were ignorant. Furthermore, such a theory would leave unexplained why the Sadducees in this case refused to follow the alleged traditional practice of the Pharisees, especially when, as we have seen, the literal meaning of the written law also favors this practice. We would then have to find some valid reason or some strong cause that prompted the Sadducean priests to depart from the old traditional practice based upon a correct literal interpretation of the written Law. But above all, the theory which assumes that the Pharisees in this case followed an oral tradition, is without any foundation. There is not the least support for it in the Talmudic literature. In the case of other practices, not expressly commanded in the written Law but advocated by the Pharisees, we do find that the Pharisaic teachers declare such practices to be based upon an institution of the prophets (יסוד נביאים) or a traditional law handed down from Moses on Sinai (הלכה למשה מסיני).[4] But, to my knowledge, no statement can be found in Talmudic literature declaring the manner of offering the incense on the Day of Atonement, as advocated by the Pharisees, to have been based on an older oral tradition. In the disputes between the Sadducees and Pharisees regarding this ceremony, as reported in the Talmud, the Pharisees do not advance the argument of Tradition and no reference

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Maimonides seems to have understood that only the Sadducees interpreted the word בענן as referring to the smoke of the incense, when as a matter of fact the Pharisees never disputed this. Maimonides followed the Babylonian Gemara and understood the Pharisees to have based their argument upon the interpretation of the words לפני ד', in verse 13. Considering this Scriptural proof as not very sound he concluded that the Pharisees must have followed a tradition. Cp. also H. Oppenheim in *Bet Talmud*, IV, (Wien 1885), pp. 269–271. Oppenheim failed to see the real significance of this controversy, and his explanation of the difference of opinion on this question between the Sadducees and Pharisees is far fetched and pilpulistic.

[4] P. Shebiit I, 7 (33b); B. Sukkah 44a.

at all is made to the older traditional practice as to how and in what manner it was performed. Had the older practice been like the one advocated by their party or had there been an oral tradition favoring their opinion, the Pharisaic teachers certainly would have mentioned it. In such cases an argumentum *e silentio* has considerable weight.

It is, therefore, safe to assume, as will indeed be shown in this essay, that in this case the Sadducees followed the traditional time-honored practice, while the Pharisees were not the advocates of an old oral tradition on this subject but the innovators of a radical reform. No doubt they had a very good reason for seeking to introduce this reform in the Temple service and to change the form of one of the most solemn rites of the Day of Atonement. From the Talmudic reports about this controversy it is evident that each party attached great importance to its own special idea about the performance of this ceremony. From this we may conclude that a very important doctrine or a basic theological conception was involved in this controversy. There must have been a fundamental principle underlying this difference of opinion between the two parties. But we cannot obtain any direct and definite information from the ancient sources as to what this fundamental principle was, or what the real reasons were that prompted the two parties to insist so strongly upon their respective interpretation of this ritual law. The Talmudic reports apparently content themselves with merely presenting the two opposite opinions held respectively by the two parties and giving the Scriptural passages which each party cited in support of its peculiar view. These reports do not tell us, at least not on the surface, whether and how each party met the arguments of the other. We can well understand that the Talmudic reports, coming from the Pharisaic circles, would refrain from reporting how the Sadducees answered the arguments of the Pharisees. But strangely enough these Talmudic reports mention one apparently very strong argument advanced by the Sadducees in favor of their position, but do not tell us, at least not expressly, what the Pharisees' answer to this argument was. And even in their presentation of the Pharisees' arguments, which was based upon a correct interpretation of Scriptural passages, they do not emphasize the strong points in this argument and apparently fail to make the best of the Scriptural interpretation which favors the Pharisaic opinion on this matter. On the whole one gets the impression from the Talmudic reports that the Pharisees offered poor arguments though they had a very good cause. Yet, there can be no doubt that the Rabbis of the Talmud were convinced that the Pharisees' position on this question was correct. Why, then, did they not bring out clearly all the good reasons justifying the Pharisaic position? Was there any special cause for this reluctance on the part of the Rabbis to state in full all the arguments of the Pharisees? Were the real motives which prompted the Pharisees to insist upon their interpretation of such a nature as to make the Rabbis hesitate to speak about them openly and expressly? It seems to me that this was the case. A careful scrutiny of the Talmudic reports, however, combined with a consideration of what is otherwise known about the character of the two parties, their respective religious outlooks and theological positions, will reveal the fundamental principle underlying this controversy and also explain why the Rabbis of the Talmud refrained from making a clear statement about the real issue involved in the controversy.

Let us, therefore, first examine carefully all the Talmudic reports about this controversy, notice the difficulties found in them and see to what extent the information thus obtained can help us, directly or indirectly, to a correct understanding of the respective positions of the two parties.

In a Baraita in Sifra (Aḥare Mot III, Weiss 81b, quoted also in P. Yoma I,5, 39ab) we read the following account of the dispute between the two parties in regard to the offering of the incense on the Day of Atonement.

והביא אל מבית לפרוכת ונתן את הקטורת על האש לפני ה' שלא יתקן מבחוץ ויכניס מבפנים שהרי הצדוקים אומרים יתקן מבחוץ ויכניס מבפנים. אם לפני בשר ודם עושים כן קל וחומר לפני המקום. ואומר כי בענן אראה על הכפורת. אמרו להם חכמים והלא כבר נאמר ונתן את הקטורת על האש לפני ה'. אינו נותן אלא בפנים. אם כן למה נאמר כי בענן אראה על הכפורת מלמד שהיה נותן בה מעלה עשן. ומנין שהוא נותן בה מעלה עשן תלמוד לומר וכסה ענן הקטורת את

הכפורת אשר על העדות ולא ימות הא אם לא נתן בה (לא היה) מעלה עשן או שחיסר אחת מכל סממניה חייב מיתה.

On the surface this Baraita presents some difficulties. It apparently fails to make out a good case for the Pharisees, though it indicates that they had good reasons for their opinion. By citing the second half of verse 12 והביא אל מבית לפרכת together with the first half of verse 13 ונתן את הקטרת על האש לפני יי, as the Scriptural basis for the Pharisaic interpretation, the Baraita clearly indicates, though it does not expressly state it, that the Pharisees derived their positive Scriptural proof from the syntactic order of the two verses and not merely from the words לפני יי "before the Lord" in verse 13.[5] This proof, as we have seen, is very sound. Yet, in arguing with their opponents, the Pharisees, in so far as the Baraita reports it, did not make use of this proof. The Sadducees, as we learn from this Baraita, advanced two arguments in favor of their practice. One was the argument of propriety based upon considerations of respect and reverence for the Deity. It would be disrespectful to God, they claimed, to prepare the incense in His very presence, in the Holy of Holies. If when presenting incense to a human being we do not fix it in his presence but prepare it outside before we bring it in to him, how much the more should we do so when offering incense to God. To this seemingly good argument the Pharisees do not, according to the Baraita, give a direct and clear answer. Their answer, as we shall see, may imply a refutation of the Sadducean position, but it is not a clear and direct answer to the Sadducean argument. The Pharisees reply by saying והלא כבר נאמר ונתן את הקטורת על האש לפני ה' "and is it not said 'and he shall put the incense upon the fire before the Lord?'" They do not give the full Scriptural proof for their position as cited in the opening of the Baraita. They do not say והלא כבר נאמר והביא אל מבית לפרוכת ואחר כך ונתן את הקטורת על האש לפני ה' which would have been a good argument for their opinion. They merely say: והלא כבר נאמר ונתן את הקטורת על האש לפני ה' which on the surface is a very poor answer to the Sadducean position. For the words ונתן את הקטורת על האש לפני ה', which alone they quote here, do not in themselves prove that the incense must be prepared in the Holy of Holies. For the Pharisees certainly could not have denied that the expression לפני יי, "before the Lord," could designate also the place outside of the curtain which separated the Holy of Holies from the rest of the Temple.[6] In fact, they do not say that this Scriptural passage proves that the incense must be prepared inside of the curtain, for it is to be noticed, they do not say מלמד שאינו נותן אלא מבפנים. The words אינו נותן אלא מבפנים which follow their answer to the Sadducean argument form an independent sentence in which the Pharisees merely reiterate their position. They are not the logical consequence of the preceding answer to the Sadducees. The answer to the Sadducean argument of propriety consisted merely in the words והלא כבר נאמר ונתן את הקטורת על האש לפני יי. We shall find that this answer implies a refutation of the Sadducean position but it certainly is not a clear and direct answer to the Sadducean argument.

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[5] It was thus correctly understood by R. Samson of Sens (1150–1230) who in his commentary to the Sifra (Warsaw 1863) makes the following comment upon our passage: שלא יתן מבחוץ ויכניס שהרי כתב והביא ולאחר כן ונתן את הקטורת. R. Aaron Ibn Ḥayyim in his commentary קרבן אהרן (Venice 1609), however, followed the Babylonian Gemara and understood the argument as being based upon the interpretation of the words לפני ד' as designating the Holy of Holies.

The second argument of the Sadducees was, according to the Baraita, based upon the Scriptural passage כי בענן אראה על הכפורת (Levit. XVI,2), which they evidently interpreted to mean, "only through the cloud of the smoke of the incense may I be seen upon the Ark-cover." This is not a strong argument at all. In the first place, the word בענן may simply mean "in a cloud," as the ancient versions understood it,[7] and not refer to the smoke of the incense. Secondly, even if the word בענן meant "through the smoke of the incense," the Scriptural passage, taken by itself, would merely say that God may be seen only through a screen of smoke without, however, specifying where that screen of smoke must be produced and started. But strangely enough, weak as this argument is, the Pharisees' answer to this argument seems still weaker. The Pharisees admit that the word בענן in this passage designates the smoke of the incense, but they claim that this Scriptural passage merely teaches that in preparing the incense the priest should mix in it a smoke-producing ingredient. Now why did the Pharisees not interpret the Scriptural passage to have no reference at all to the smoke of the incense but merely to mean "with a cloud of glory I shall appear upon the ark-cover," as it was understood by the ancient versions? By admitting that the word בענן here means the smoke of the incense and insisting that the incense must contain מעלה עשן, a smoke-producing ingredient, they rather play into the hands of their opponents. The Sadducees certainly insisted that the incense must produce a cloud of smoke. But they also insisted that the smoke must be produced outside of the curtain, and on this point the Pharisees prove nothing to the contrary. For their interpretation, that the Scriptural passage means that the incense must contain a smoke-producing ingredient, does not positively prove that the smoke must be produced inside and not outside of the curtain. Furthermore, after this interpretation of the Scriptural passage, according to which the words כי בענן אראה על הכפורת teach that the incense contained a smoke-producing ingredient, the Baraita immediately goes on to ask ומנין שהוא נותן בה מעלה עשן "but how do we know that he must mix with the incense a smoke-producing ingredient?" and in answer it cites another Scriptural passage to prove it. But if the requirement of מעלה עשן is prescribed in the words וכסה ענן הקטורת את הכפורת אשר על העדות ולא ימות then the words כי בענן אראה על הכפורת cannot be interpreted to prescribe the same thing, as the Pharisees claimed. This difficulty, as we shall see, was indeed felt by the Babylonian Gemara. Again in closing the argument the Baraita adds something which does not belong to the subject under discussion. Instead of merely stating that if he does not put in a smoke-producing ingredient he deserves death, הא אם לא נתן בה מעלה עשן חייב מיתה, the Baraita says, if he does not put into it the smoke-producing ingredient, or if he omits any one of its ingredients he deserves death: הא אם לא נתן בה מעלה עשן או שחיסר אחת מכל סממניה חייב מיתה. This gratuitous information about the death penalty for omitting any one of the ingredients is entirely out of place here, especially since it is not obvious how it could be derived from the words וכסה ענן הקטורת את הכפורת וכו'.

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[6] As e.g. Leviticus I, 5; IV, 4 and 7 and many others.

[7] See Geiger, *Oṣar Neḥmad*, IV, p. 107.

The same Baraita is also quoted in the Babylonian Talmud (Yoma 53a) with some significant changes. Here we read as follows: ת״ר ונתן את הקטורת על האש לפני ה׳ שלא יתקן מבחוץ ויכניס להוציא מלבן של צדוקים שאומרים יתקן מבחוץ ויכניס מאי דרוש כי בענן אראה על הכפורת מלמד שיתקן מבחוץ ויכניס אמרו להם חכמים והלא כבר נאמר ונתן את הקטרת על האש לפני ה׳ אם כן מה תלמוד לומר כי בענן אראה על הכפורת מלמד שנותן בה מעלה עשן ומניין שנותן בה מעלה עשן שנאמר וכסה ענן הקטורת את הכפורת הא לא נתן בה מעלה עשן או שחסר אחת מכל סמניה חייב מיתה.

It appears from this version of the Baraita that the Babylonians did not know that the Pharisees derived their positive Scriptural proof from the syntactic order of the two verses 12–13 in Levit. XVI. They evidently understood the Pharisaic argument to be derived merely from the words לפני ה׳ in verse 13, interpreting these words to designate the Holy of Holies, and, therefore, in the opening of the Baraita only verse 13 is cited as the Scriptural basis for the Pharisaic opinion. For this reason also the exchange of opinions between the two parties as regards the propriety of preparing the incense in the Holy of Holies is omitted. For on the surface the Pharisees' argument, והלא כבר נאמר ונתן את הקטורת על האש לפני ה׳ merely repeats the main Scriptural proof for the Pharisaic position, as put by the Babylonians in the opening of the Baraita, and does not give any direct answer to the argument of propriety advanced by the Sadducees. Not finding in the Pharisees' reply an answer to the Sadducean argument of propriety, the Babylonians omitted the whole dispute as to the propriety from their version of the Baraita. According to their understanding of the dispute, they would strengthen the position of the Pharisees by supressing a seemingly strong argument of the Sadducees. They also realized the weakness of the Pharisees' answer to the other argument of the Sadducees from the words כי בענן אראה על הכפורת. For, in commenting upon the Baraita, the Gemara points to the difficulty which we have noticed above, namely, that after declaring that the words כי בענן אראה על הכפורת teach the requirement of מעלה עשן in the incense, the Baraita asks for and cites another Scriptural proof for the indispensable requirement of מעלה עשן.[8] The Gemara pointedly asks קרא לקרא?, "Why pile one Scriptural proof upon another?" It goes on to cite many attempts to explain why two verses were necessary for this teaching. One of these explanations is that from the passage כי בענן אראה על הכפורת we would know only that the incense offered on the Day of Atonement requires מעלה עשן, hence we need the passage וכסה ענן הקטרת וכו' to teach us that the incense of every day in the year also requires מעלה עשן. All these explanations, however, are merely attempts to smoothe over an apparent difficulty which they had noticed in the Pharisees' answer to the argument from כי בענן אראה על הכפורת. The real difficulty in this answer of the Pharisees, viz, that even if we accept the interpretation that the passage implies the necessity of מעלה עשן in the incense, it does not prove that the incense must be prepared inside of the curtain; this difficulty is not touched upon nor even hinted at by any of the Rabbis of the Talmud.

We thus see that the Baraita reporting this controversy contains some difficulties and from its presentation of the arguments of the two parties we cannot get a satisfactory explanation of their respective positions.

Let us now seek to ascertain what superstitions or primitive beliefs were connected with the Holy of Holies and especially with the offering brought there on the Day of Atonement, beliefs which no doubt lingered on in the popular mind a long time after the teachers and the enlightened people had outgrown them, and allusions to which may still be found in the Talmudic legends. A knowledge of these primitive notions or popular beliefs, connected with the Holy of Holies, may help us to understand the struggle of ideas and the theological issue involved in this controversy between the two parties.

It cannot be denied that the primitive notion was that the

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[8] The Yerushalmi also felt this difficulty though it does not express it. For at the close of the Baraita there the additional statement is found: ולא ימות הרי זה עונש כי בענן אראה הרי זה אזהרה which explains why the two verses were necessary. At the same time this statement seeks to emphasize that the ולא ימות means, so that he shall not incur the penalty of death, and not, that he may not die as a direct consequence of seeing the Deity. See note 23.

Tabernacle, and later on the Temple in Jerusalem, were the residences of God on earth and that the Holy of Holies within the Temple was especially the place where He dwelt, the Ark-cover with the two Cherubim being, so to speak, His throne. The Rabbis often sought to suppress or modify these primitive beliefs, or at least to remove from them the crude anthropomorphic elements, but they were not always successful. These primitive beliefs were retained by the people and echoes of them are found in the Talmud and in the Midrashim.

Thus we are told in the Midrash (Exod. R. III, 4) that the Divine residence on earth resembles in most of its features the Divine residence in heaven. We are also told that, while God had chosen the entire land of Palestine as the place where His presence was manifested, He had especially favored the Temple in Jerusalem and within this Temple He had particularly selected the Holy of Holies as His residence (ibid. XXXVII, 4). In this earthly residence He had His throne which was believed to be corresponding to and as it were a projection of the throne in heaven (Mekilta, Shirata I, Friedmann 43b, P. Berakot IV, 5, 8c). This throne in the Holy of Holies consisted of the Ark-cover with the two Cherubim on which was the seat of God (Numbers R. IV, 13. cp. also Sukkah 4b-5a and R. H. 31a, Exodus R. XXXIV, 1 and Tanḥuma, Ki Tisa 10, Vayakhel 6). Because the Ark was the throne of God, the priests, even when moving the Tabernacle, had to take special precautions never to look at the Ark. There was a special spread of blue color (כליל תכלת) with which the Ark and the Cherubim were covered. For as the heavenly throne according to Ezechiel I, 26 was of blue color, "as the appearance of a sapphire stone," so also the throne in the Holy of Holies, i.e. the Ark and the Cherubim had to appear in blue color, hence the blue spread to cover it (Numbers R., *l.c.*, cp. also Menaḥot 43b and Sifre, Numbers 115).[9] In the second Temple, in which the Ark was missing, the throne of glory continued to be on the same spot where the Ark once stood. The throne now was on the stone אבן שתיה which took the place of the Ark (cp. Mishnah Yoma V, 2). Commenting upon the verse in Job XXXIX, 28, the Midrash (Pesiḳta Rabbati, Aḥare Mot, Friedmann 190) says: סלע ישכון בבנין הראשון שהיה שם ארון ואפילו בבנין השני שלא היה שם ארון אלא אבן שם היה כבודי על שן הסלע ומצודה, cp. also Tanḥuma, Aḥare Mot 3).[10]

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[9] The tendency on the part of the early Halakah to combat these primitive notions and to suppress these anthropomorhpic conceptions was, to my mind, the cause of a radical reform in the law of Ṣiṣit, prescribed in Numbers XV, 37–40. The importance of the Ṣiṣit consisted in the blue thread, the פתיל תכלת, which was added to them. This blue thread was to serve as reminder to do all the commandments, "that ye may look upon it (the blue thread) and

As a corollary to the belief that God's residence was in the

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remember all the commandments of the Lord and do them." The blue thread could serve this purpose because it resembled the throne of glory which is also blue in color (Sifre, Numbers 115, Menaḥot 43b). The Rabbis, however, at a very early time began to object to the use of the blue thread in connection with the Ṣiṣit. Thus R. Eleazer b. Ṣadoḳ (second half of first century) tells us that in Jerusalem it was a strange thing, causing surprise, if one would put the blue thread upon his Ṣiṣit (Menaḥot 40a). From Sabbath 153a it is also evident that the Rabbis preferred white Ṣiṣit. The use of the blue thread was discarded not because the art of producing the special dye necessary for making the תכלת was forgotten (against A. Epstein, *Bet Talmud* V, (Wien 1886), p. 229 ff.) but because the Rabbis wished to suppress or avoid the anthropomorphic idea as if there actually were in heaven a throne of glory blue in color (see my remarks in the *B'nai B'rith Manual*, Cincinnati 1926, p. 27). Of course, this reform, like so many others, was not effected all at once. The use of the תכלת lingered on and even in Amoraic times they still had the genuine תכלת and, no doubt, some people still used it in their Ṣiṣit. In the sixth century however, after the close of the Talmud, the use of תכלת was entirely discarded. See Epstein *l.c.* p. 305.

[10] Even after the destruction of the Temple the Shekinah, according to some popular beliefs, continued to be present in the place of the Holy of Holies. See the discussion in P. Berakot IV, (8c). According to other legends, however, the Shekinah, after ten wanderings from the Ark-cover to the Cherub, from the Cherub to the threshold, etc., left the Holy of Holies and the entire precinct of the Temple and returned to her pristine abode in heaven (R. H. 31a). R. Petaḥiah of Ratisbon (second half of the 12th century) in his *Sibbub* (ed. Grünhut, Jerusalem 1904), p. 35, tells of a legend, current among the Jews in Jerusalem, that the Shekinah left the Temple through the Eastern gate, called the Gates of Mercy (שערי רחמים). Dr. Julian Morgenstern in an essay on "The Gates of Righteousness," which he kindly showed me in manuscript, treats this and other legends about the Eastern gate very exhaustively. He also cites many other references, from Jewish and non-Jewish sources, to the popular beliefs about the visible presence of the Deity in the Temple at Jerusalem. As his essay will soon be published I refrain from quoting these references here.

Temple and His throne in the Holy of Holies, there was the other primitive notion that God held court in His residence on earth just as He held court in heaven. For this reason, on the Day of Atonement, when final judgment was passed upon the people by the Divine court, the High Priest, bringing a special offering would enter the Holy of Holies into the very presence of the Deity, in order to obtain forgiveness for the people. At this occasion, when entering into the very presence of the Deity, the High Priest had to be clad in white garments (Yoma 31b, 32b and 35a), in order to appear like one of the ministering angels. For כשירות של מעלן כך שירות של מטן, just as the service in the heavenly abode was performed by attendants dressed in white linen garments so also the service in the earthly abode, in the Holy of Holies, had to be performed by an attendant dressed in white linen garments (P. Yoma VII, 3, 44b; Levit. R. XXI, 11, cp. also Exodus R. XXXVIII, 3 and 8).[11]

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[11] The white garments were also aimed to deceive Satan who, when seeing the High Priest dressed in white, would mistake him for an angel and not seek to harm him. The custom, still prevailing in the Synagogue, that the pious worshippers, and especially the reader and the leader in the service, wear a white robe ("Sargenes" or "Kittel") on the Day of Atonement also aims to make the worshippers appear like angels. Like many other ceremonies observed on the Day of Atonement, as fasting, standing up, and not wearing shoes, it has also the effect of causing Satan to believe that the worshippers are like angels and without sin (Pirḳe d. R. Eliezer, Ch. 46). The custom of burying the dead in a white shroud also had its origin in these primitive beliefs. It aims to make the dead appear like angels and thus gain for them admittance to heaven among the angels. This purpose of the white shroud has been misunderstood, or possibly purposely ignored, by the Babylonian Gemara (M. K. 27b). It is evident from the Palestinian Talmud (Kilayim IX, 4,32b, cp. also B. Sabbath 114a) that those Rabbis who were sure of their having lived a righteous life, and, therefore, confident that they would enter heaven and be admitted to the banquet hall, did not hesitate to request to be buried in white garments so as to be properly attired for the banquet (cp. also B. Sabbath 153a: R. Eliezer's answer to his disciples and R. Joḥanan b. Zakkai's parable, and 2 Esdras, II, 38–40; further Revelation III, 4–5; IV, 4, and XIX, 14). Other Rabbis, like R. Yannai, whose modesty caused them not to be so sure about their being admitted immediately after death to the banquet hall in heaven, requested to be buried neither in white nor in black but rather in gray garments. They could then, so they expressly say, enter the banquet hall, if found worthy, without looking like a mourner dressed in black among the wedding guests. Likewise, in case they should be found unworthy and therefore have to go to

When court was held in the Holy of Holies, the Divine residence on earth, it was not God alone, sitting on His throne, upon the Ark-cover or upon the אבן שתיה, that was present there, but also both the pleading and accusing angels assembled around Him. They surrounded Him in the same manner as when court was held in heaven. The Deity, or some manifestation of the Divine presence, as well as a vision of the angels and of Satan, the accuser, could, therefore under favorable conditions, and to especially favored persons, appear in the Holy of Holies on the Day of Atonement. This belief is clearly indicated in the Talmud and in the Midrashim. Thus in Sifra, Shemini I, (Weiss 43c) we read the following statement which clearly points to the fear that Satan might bring before God accusations against the High Priest when the latter entered the Sanctuary to obtain forgiveness: מלמד שאמר לו משה לאהרן, אהרן אחי אף על פי שנתרצה המקום לכפר על עונותיך צריך אתה ליתן לתוך פיו של שטן שלח דורון לפניך עד שלא תיכנס למקדש שמא ישנאך (read[12] ישטינך) בביאתך למקדש.

The expression שמא ישטינך בביאתך למקדש alludes to the belief that Satan might be in the Sanctuary, where the Divine court was held, so that Aaron, when entering, might find the accuser facing him. In Pesikta Rabbati, *l.c.* (Friedmann 191), it is expressly stated that Satan was in the Holy of Holies on the Day of Atonement, seeking to accuse Aaron, or the High Priest, but ran away as soon as he saw the merits that entered with Aaron. The passage reads, as follows: ואף אהרן כשהיה נכנס לבית קדשי הקדשים אילולי זכיות הרבה שהיו נכנסות עמו ומסייעות אותו לא היה יכול לעמוד שעה

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the other place where there is mourning and all are dressed in black, they should not be conspicuous by appearing like a bridegroom among mourners. It is, therefore, evident that R. Gamaliel was honored and not (as suggested in M. K., *l.c.*, by the phrase ונהג קלות ראש בעצמו) slighted when he was buried in white garments. The people believed that he had lived a righteous life and that he would, therefore, surely enter heaven and be admitted to the banquet, and they, accordingly, dressed him in the proper attire, *i.e.* in white garments for his journey to heaven. In the course of time all the people wished to suggest that their departed relatives were worthy of entering heaven and they, therefore, buried their dead in white garments.

[12] So it is quoted by רמב״ן in his commentary to Levit. IX, 7.

אחת [מפני] מלאכי השרת [שהיו] שם.[13] ועוד שהיה נכנס ביום הכיפורים והיה
השטן בא לקטרג וכיון שהשטן היה רואה אותו היה בורח מלפניו.

The Talmudic legends about the High Priest Simon the Just, who on the Day of Atonement of the last year of his life knew and told the people that he was going to die during the coming year, also clearly indicate this popular belief.[14] Thus in Yoma 39b also Menaḥot 109b) the following Baraita is found: תנו רבנן
אותה שנה שמת בה שמעון הצדיק אמר להם בשנה זו הוא מת אמרו לו מנין
אתה יודע אמר להם בכל יום הכפורים היה מזדמן לי זקן אחד לבוש לבנים
ועטוף לבנים נכנס עמי ויוצא עמי והיום נזדמן לי זקן אחד לבוש שחורים ועטוף
שחורים נכנס עמי ולא יצא עמי. אחר הרגל חלה שבעה ימים ומת.

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[13] According to this reading suggested by R. Ephraim Z. Margulies in his commentary to the Pesiḳta (Warsaw 1893), on the basis of the reading in the parallel passage in Exodus R. XXXVIII, and accepted by Friedmann in his edition of the Pesiḳta, the angels would resent the intrusion of a mortal into their midst, (cp. Sabbat 88b). The actual reading in the Pesiḳta, however, is: לעמוד שעה אחת מלאכי השרת שם. This reading makes no sense. Possibly, this reading is due to a mistake by a copyist who misunderstood an abbreviation. Originally the text had: לעמוד שעה אחת מהש' שם. The abbreviation, מהש' which stood for מהשטן, was misunderstood by a copyist to be an abbreviation of מלאכי השרת.

[14] Not Satan alone but a whole band of his subordinates were present in the Holy of Holies. This is clearly stated in Levit. R. XXI, 3: אם תחנה עלי מחנה של סמאל לא יירא לבי שהבמחתני בזאת יבא אהרן אל הקדש. This belief that Satan and his band had, as it were, an official residence in the Holy of Holies is also presumed in the legend told in Yoma 69b and evidently based on Zachariah V, 8. The returned exiles, this legend tells us, fasted three successive days, praying that the יצרא דעבודה זרה, the evil one who incites people to idolatry, be delivered unto them. Their prayer was granted and the יצר הרע of idolatry (יצר הרע is identical with Satan, see B. B. 16a) was delivered unto them. They saw coming out from the Holy of Holies a fiery young lion נפק אתא כי גוריא דנורא מבית קדשי הקדשים (I would correct the text to read כי גדיא דנורא like a fiery goat for Satan has sometimes the appearance of a goat. Cp. Targum Yonathan to Levit. IX, 3: צפיר בר עיזי מטול דסטנא מימתיל ביה). The prophet told them that this fiery creature was the יצרא דעבודה זרה and they caught him and burned him. From that time on they never suffered from idolatrous proclivities. They also prayed for the delivery of another one of Satan's band but this was not fully granted them. Now, if the one of Satan's band that was delivered unto them came out of the Holy of Holies, he must have had his residence there. Dr. Morgenstern, in the essay referred to above, suggests that the vision in Zachariah III reflects such a scene in the Holy of Holies on the Day of Atonement when the High Priest stood before God and Satan sought to accuse him.

We are not told how, from the fact that an old man dressed in black went in with him and remained there after he went out, Simon concluded that he was going to die during that year. The commentators do not comment on this Baraita. Rashi in Menaḥot, *l.c.*, makes only one brief remark. To the words נכנס עמי Rashi remarks, לפני ולפנים, that it means the old man went in with him to the Holy of Holies. The meaning of the whole report, to my mind, is this. The good angels were pictured as dressed in white. The accusing angels, Satan and his band, on the other hand, were dressed in black. When an old person dressed in white went in with him, Simon knew that it was one of the pleading angels who came in to help him and to plead for him. The good angel left with him only after he had succeeded in obtaining for him pardon and a decree of life. When, on the other hand, in the last year of his life he noticed that a man dressed in black went in with him, he realized that he was without a pleading angel and that he was followed by the accuser. And when the accuser remained inside, continuing his accusations, without a pleading angel to refute them, Simon knew that his fate was sealed and that he was going to die. The same Baraita with a significant variation is also found in Tosefta Soṭah XIII, 8 and in the Palestinian Talmud (Yoma V, 3, 42c) where it is followed by a very interesting discussion. Here it reads as follows:

ובשנה אחרונה אמר להם בשנה הזאת אני מת אמרו לו מאיכן אתה יודע אמר להן
כל שנה ושנה שהייתי נכנס לבית קודש הקדשים היה זקן אחד לבוש לבנים ועטוף
לבנים נכנס עמי ויוצא עמי ובשנה הזו נכנס עמי ולא יצא עמי. בעון קומי ר׳ אבהו
הכתיב וכל אדם לא יהיה באהל מועד בבאו לכפר בקודש עד צאתו אפילו אותן
שכתוב בהן ודמות פניהם פני אדם לא יהיו באוהל מועד אמר לון מה אמר לי דהוה
בר נש אנא אמר הקב״ה הוה.

Here the reference to the accusing angel dressed in black is left out. According to this version of the Baraita, the failure of his good angel to come out with him indicated to Simon his approaching death. For, had the angel achieved his purpose, which was to obtain for him pardon and a decree of life, he would have come out with him as he was accustomed to do in all the preceding years. But the Palestinians also took it for granted that the person dressed in white, who entered with Simon, was an angel. For, in their question to R. Abbahu, some people express their surprise at the angels entering with the High Priest into the Holy of Holies. They quote an old Midrash,[15] which interpreted the passage "and there shall be no man in the tent of meeting when he goeth in to make atonement in the Holy place" (Levit. XVI, 17), to mean that even those about whom it is written "as for the likeness of their faces, they had the face of a man" (Ezechiel I, 10), that is to say even angels, were not allowed to be there. R. Abbahu, however, gives them the following remarkable answer: "What (or who) tells me, that it was a man (or an angel whose likeness is that of a man)? I say it was the Holy One, blessed be He."[16] R. Abbahu's answer unmistakably refers to the belief that God was in the Holy of Holies and that a representation of Him could even be seen by the High Priest. The question addressed to R. Abbahu as well as the Babylonian version of the Baraita further indicate the belief that the angels or even Satan would also be present there.

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[15] I am unable to trace this Midrash to its source. I believe that it originated with R. Akiba and that the questioners, who merely refer to it but do not quote it in full, did not understand its real meaning.

In Sifra, Vayikra, Nedabah II (Weiss 4ab), after the sayings of R. Akiba and others to the effect that the voice of God that was heard in the Tabernacle came out from between the two Cherubim upon the Ark-cover, there follows another Midrash by R. Akiba and Ben Azzai to the words כי לא יראני האדם וחי (Exodus XXXIII, 21), interpreting them to mean that even angels could not see God. This Midrash simply meant to remove the anthropomorphic conception, as if God could at all be visible (cp. Geiger, *Oṣar Neḥmad*, III, p. 10). R. Akiba thus seeks to make the revelation in the Tabernacle resemble the revelation on Sinai about which it is said: "Ye heard the voice of words, but ye saw no form; only a voice" (Deut. IV, 12). He declares that in the Tabernacle, likewise, there was actually heard the voice of God but no visible manifestation of the Deity was to be seen. The same tendency was also followed in the Midrash on the words וכל אדם לא יהיה באהל referred to here. It likewise sought to combat the popular belief that in the Holy of Holies there was visible the presence of God surrounded by angels. The later people, however, misunderstood the meaning of this Midrash as well as the meaning of the other Midrash of Akiba. They understood the latter to mean, not that God was absolutely invisible, but that the angels were not allowed to look at Him; and the Midrash on the passage וכל אדם לא יהיה באהל they understood to mean that the angels were not allowed to enter into the Holy of Holies because God was visible there and they were not allowed to look at Him. See the following note.

[16] As far as I could ascertain, all the commentators as well as Tosafot to Menaḥot, 109b s.v. נזדמן, R. Moses Taku in כתב תמים (Oṣar Neḥmad III, p. 60), and even R. Jacob ibn Habib (in הכותב to En Jakob) and R. Samuel Jaffe Ashkenazi (in his יפה מראה *ad loc.*) take this answer of R. Abbahu literally to mean that it was God Himself who in the appearance of an old man entered with Simon into the Holy of Holies. Yet one can hardly believe that a teacher like R. Abbahu could have seriously given expression to such a crude, anthropomorphic, almost blasphemous, idea about God. It is true, that R. Abbahu

This belief is also alluded to in the following Talmudic reports which have direct reference to the controversy between the two parties.

In Yoma 19b we read the following report: ת"ר מעשה בצדוקי

elsewhere (B. B. 25a) speaks of the Shekinah as being in the West, probably meaning in the western part of the Temple, *i.e.* in the Holy of Holies. Further in Sanhedrin (95b) he reports a legend as to how God appeared to King Sennaherib in the appearance of an old man. But there is a great difference between telling a legend, or speaking of the Shekinah as being in the West, and making a statement to students or in a discussion with people who ask a serious question. Possibly, this answer of Abbahu is not to be taken literally. Had he really wished to say that it was God Himself who entered with Simon into the Holy of Holies, he could have briefly stated הקב"ה הוה. The form of his answer admits the following interpretation. He says to them: "According to your reasoning, which takes the Midrash to mean that the angels, who according to the literal meaning of a passage in Ezechiel have the appearance of man, were also included in the prohibition that no man be in the Holy of Holies, I *could* answer you (אני אומר) that it was God Himself who, in a passage in Daniel (VII, 9), is pictured as "the ancient of days sitting upon the throne in raiment white as snow, etc." But, of course, you cannot take these passages in Ezechiel and Daniel literally, nor must you take this legend about Simon, which may likewise merely report a vision which Simon had (cp. Isserless in *Torat ha-Olah*, quoted by R. Enoch Zundel in his commentary ענף יוסף to En Jakob *a.l.*). literally. What suggests this interpretation of Abbahu's saying, is the fact that in Pesiḳta d. R. Kahana (Buber 178a) and in Levit. R. (XXI, 12), after this answer of Abbahu is quoted, there follows another quite different saying of Abbahu. It reads thus: וכהן גדול לאו אדם הוא. "And was not the High Priest a man?" By this R. Abbahu evidently meant to say that if we should understand this Midrash to mean that because God was in the Holy of Holies no man, not even angels, who are like man, were allowed to enter there, then the High Priest could never have been allowed to enter there. Of course, this saying of Abbahu was also misunderstood by the author of the Pesiḳta and by the redactor of Levit. R. who followed him (see Lauterbach, *Jewish Encyclopedia*, XII, p. 478–79). They took it simply as a question, how could the High Priest be admitted to enter the Holy of Holies? They answered it by explaining that the High Priest was like an angel, not realizing that, according to the Midrashic interpretation of the words וכל אדם לא יהיה באהל, as Abbahu's questioners understood it, even angels were not allowed to enter there.

אחד שהתקין מבחוץ והכניס ביציאתו היה שמח שמחה גדולה פגע בו אביו אמר
לו בני אף על פי שצדוקין אנו מתייראין אנו מן הפרושים אמר לו כל ימי הייתי
מצטער על המקרא הזה כי בענן אראה על הכפורת אמרתי מתי יבוא לידי
ואקיימנו עכשיו שבא לידי לא אקיימנו.

There is no reason whatever to doubt the historicity of this report, which is also found in P. Yoma I, 5 (39a). It shows that the Sadducees attached great importance to their interpretation of Levit. XVI, 12, and that they would seek to perform the ceremony according to their own practice, even after the Pharisees had control over the Temple service and were in a position to dictate to the High Priest the instructions for performing his functions. But, following this authentic report, there are given in both the Palestinian and Babylonian Talmudim legendary reports about the punishment which this Sadducean High Priest suffered for his daring to follow the Sadducean practice. The P. Talmud has two different accounts of what happened to this Sadducean High Priest. One account merely reports that he died a few days after the Day of Atonement, but does not specify what manner of death it was, hence it may have been a natural death. But the other report says that when coming out from the Holy of Holies, after having offered the incense, his nose was discharging worms and right in the center of his forehead there was a mark like that of a calf's hoof. We are not told whether and how soon he died as a result of these injuries. But it was understood that both these disfiguring marks on the face of the High Priest were the results of the injuries which he received from the angel in the Holy of Holies. The angel, the soles of whose feet (according to Ezechiel I, 7) are like the sole of a calf's foot, kicked the High Priest and hit him squarely in the middle of his forehead right above his nose. The result was that his nose discharged worms[17] and his forehead still showed the impression of the angel's foot. That it was so understood even by the Palestinians is evident from the discussion that follows in the same paragraph of the Yerushalmi, the report about the affliction of the High Priest. R. Abbahu, who, as we have seen above, in the discussion of the legend about Simon the Just admits only the presence of God, but denies the presence of angels in the Holy of Holies, was asked to explain this legendary report about the Sadducean High Priest. The questioners ask him how it was possible that the Sadducean High Priest received injuries from an angel in the Holy of Holies when, according to the law in Lev. XVI, 7 as interpreted by an old Midrash, the angels were not allowed to be in the Holy of Holies at the time when the High Priest entered there. In this case R. Abbahu does not say, as in the case of the legend about Simon the Just, that it may be that God Himself inflicted these injuries upon the Sadducean High Priest. R. Abbahu implicitly admits that these injuries came from an angel, the sign of the calf's foot being indisputable evidence for that. But, says R. Abbahu, the angel was not in the Holy of Holies for he was not allowed to be there. He was standing at the entrance to the Holy of Holies and it was rather when the High Priest sought to enter the Holy of Holies in his Sadducean manner בשעה שהוא נכנס כדרכו, *i.e.*[18] carrying the smoking incense in front of him, that the angel hit him.

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[17] That the smiting of an angel would have the effect of producing worms, that would eat up the body and cause death, is also assumed in the story about the death of Herod Agrippa as told in Acts XII, 23: "And immediately an angel of the Lord smote him because he gave not God the glory, and he was eaten by worms and gave up the ghost."

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[18] This seems to me to be the correct meaning of the phrase בשעה שהוא נכנס כדרכו. The interpretations given by the commentators do not make good sense. The author of קרבן העדה gives the following interpretation: בשעה שהוא נכנס כדרכו ומקיים מצות העבודה כתיקונו הוא דאסור לכל אדם להיות שם אבל זה שלא עשה כתיקונו מותרים להיות שם (cp. Tosafot Yeshanim to Yoma, *a.l.*, who give the same interpretation). This practically assumes that the angels are in the Holy of Holies and only when the High Priest performs the ceremony correctly (כתיקונו) does he succeed in driving them away. Even less satisfactory is the interpretation given by the commentator פני משה which reads as follows: בשעה שהוא נכנס כדרכו לא היה זה בשעה שבא לכפר אלא בשעה שנכנס כדרכו להוציא את הכף והמחתה. This interpretation stresses the words בבואו לכפר בקדש taking them to mean that only at the moment when the High Priest entered to obtain forgiveness were the angels not allowed to be there but before and after that time they could be, and actually were, in the Holy of Holies. This explains only why the angel did not smite the High Priest at the moment when he performed the ceremony. But why did he not smite him outside, immediately when he came out after having wrongly performed the ceremony. Why did the angel have to go into the Holy of Holies and there lie in wait for the High Priest till he came in again to take out the pan and the spoon?

The Babylonian Talmud also has two accounts of what happened to the Sadducean High Priest, but they are different from the reports given by the Palestinians. Here we read as follows:
אמרו לא היו ימים מועטים עד שמת והוטל באשפה והיו תולעין יוצאין מחוטמו
ויש אומרים ביציאתו ניגף דתני רבי חייא כמין קול נשמע בעזרה שבא מלאך וחבטו
על פניו ונכנסו אחיו הכהנים ומצאו ככף רגל עגל בין כתפיו שנאמר ורגליהם רגל
ישרה וכף רגליהם ככף רגל עגל.
One is tempted to believe that the Babylonians knew the Palestinian reports as well as the difficulty raised by the questioners of R. Abbahu and the latter's answer, but they did not find this answer satisfactory. For, if the angel was not in the Holy of Holies but hit the High Priest on his forehead before he entered the Holy of Holies, it is difficult to believe that the High Priest could nevertheless have proceeded into the Holy of Holies and have performed the ceremony there. The angel surely must have dealt the High Priest a blow from which he could not recover. The Babylonians therefore offer another report which presents no difficulty. The High Priest performed the ceremony in his own way since nothing happened to him when he entered. But, after having performed the cermony and retired from the Holy of Holies, he was smitten by the angel as he came out of the Holy of Holies (ביציאתו ניגף). The angel, who hit him, was not in the Holy of Holies. He came from outside. Indeed, some sort of a noise was heard in the Temple court, which was the noise of the angel rushing in to punish the offender. The High Priest, when he came out from the Holy of Holies, walked backward, so as not to turn his back upon the Holy of Holies (see Yoma 52b and 53a). When he reached the threshold and his back had just emerged from behind the curtain, the angel, who was outside of the curtain, kicked him on his back between the shoulders, and threw him down with his face to the ground. The High Priest fell forward, hitting the floor of the Holy of Holies with his face. He did not recover from this blow; he lay there till his fellow priests came and pulled him out. They then found between his shoulders a mark which looked like a calf's foot. This was proof that an angel, the sole of whose foot is according to Ezechiel I, 7, like the sole of a calf's foot, had kicked him. But if he was hit on his back and not on his forehead right over his nose, then the

discharge of worms from his nose, of which an old legend spoke, could not have been the result of the injury received from the angel's blow. The Babylonian report, therefore, does not say that immediately when brought out from the Holy of Holies, they saw worms coming out from his nose. The Babylonians combine the legend about the worms coming out from his nose with the other report, that he died a few days after the Day of Atonement. The worms came out from his nose because his body was thrown upon a dunghill, not having been given a decent burial.

I have discussed these Talmudic legends at length, in order to show how all of them clearly point to, if they do not expressly state, the primitive belief about the visible presence of the Deity in the Holy of Holies, entertained by the people even during the time of the second Temple. Of course, the enlightened teachers sought to suppress or at least modify these primitive notions, but they did not succeed in entirely removing them from the popular mind; hence we find allusions to these superstitions even in the later Aggadic expressions of the Talmud. It was the attitude towards these primitive beliefs, which brought about the strong controversy in regard to the offering of the incense. The real issue in this controversy was a very important doctrine, a fundamental principle in regard to the God conception. The difference of opinion between the two parties in regard to the preparation of the incense was based upon different theological viewpoints. We can understand the position of each party in this controversy, if we consider its general religious outlook and theological doctrines.

We must remember that the Sadducees were the conservative priestly group, holding on to the older doctrines and beliefs, and cherishing the highest regard for the sacrificial cult of the Temple. They retained many of the primitive notions both about God and the purpose of the service offered to Him in the Temple. They were strongly opposed to any reform in the sacrificial functions of the Temple in which they were so vitally interested and the performance of which had always been their special privilege. The Pharisees, on the other hand, were the progressive liberal group of lay teachers, the spiritual successors of the prophets, with a purer God conception and less regard for the sacrificial cult. While not entirely opposed to the sacrificial cult as such, they sought to reform it. They tried as much as it was in their power to democratize and spiritualize the service in the Temple and to remove from it, as far as possible, the elements of crude superstition and primitive outworn conceptions.[19]

In the controversy about the preparation of the incense each party is true to its character. Their respective positions were in perfect agreement with their respective theological views and religious tendencies. The Talmudic reports about this controversy present no difficulty. They are not as full and as plain as we would have liked them to be, but by their presentation of the arguments of the two parties, especially if we read between the lines, as well as by their omissions, they clearly indicate what the real reasons were that prompted the two parties to take their respective stands in this controversy.

The Sadducees, as conservative priests, retained and cherished the popular beliefs and primitive notions associated with the Temple and especially with the most sacred place in it, the Holy of Holies. In their service in the Temple, and especially when performing the most solemn rites on the most holy day in the most holy place, they would, therefore, follow strictly the old traditional practice and would not dare to make any change in its ritual.

According to the primitive notions held by them, the entrance of the High Priest into the Holy of Holies on the Day of Atonement was not only a great privilege, offering the rare opportunity of catching a glimpse of the Deity, but was also fraught with great dangers.[20] There was, in the first place, the danger that he might, even if only involuntarily, look the Deity straight into the face, and, as a result, immediately die; for no man can see the Deity and remain alive. There was also the danger of Satan following him into the Holy of Holies and accuse him there before God. This also might prove disastrous for him. He might be found guilty and punished with immediate death, or, as in the case of Simon the Just, be sentenced to die during the year. All possible precautions had therefore to be taken to protect the High Priest against these dangers, to help him in the successful performance of his function and to secure his coming out unharmed from the trial which he had to face. The old practice of preparing the incense outside of the Holy of Holies and producing a pillar of smoke before bringing it in to offer to the Deity, was a very effective measure of precaution. It afforded the High Priest protection from both dangers that faced him. The smoke coming up from the incense which he carried in his hand protected him from the danger of Satan's accusations. For, Satan, frightened and driven away by the smoke, could not follow him into the Holy of Holies into the very presence of God.[21] The

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[19] See Lauterbach, "The Sadducees and Pharisees" in *Studies in Jewish Literature*, Berlin 1913. The whole attitude of the Sadducees toward the authority of the Law was based upon a primitive conception and superstition about the binding power of the oath. The Pharisees, however, considered the Law authoritative because of the Divine truth it contained.

Dr. Jacob Mann calls my attention to Acts XXIII, 8, where it is said: "For the Sadducees say that there is no resurrection, neither angel nor spirit; but the Pharisees confess both." But this is hardly a correct presentation of the Sadducean position. The Sadducees may have denied resurrection, but they certainly did not deny the existence of angels and of Satan, attested to by many passages in the Bible.

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[20] Cp. Mishnah Yoma V, 2 לא היה מאריך בתפלתו כדי שלא להבעית את ישראל and VII, 4 ויום טוב היה עושה לאוהביו בשעה שיצא בשלום מן הקדש.

[21] Smoke as such was considered an effective means of driving away Satan and the evil spirits. See Lauterbach, "The Ceremony of Breaking a Glass at Weddings," in *Hebrew Union College Annual*, II, p. 356–357. The smoke of incense was especially powerful in driving away Satan. This belief has survived to this day in a popular proverb, current among Eastern Jews, who when wishing to describe the horror a person has for something, they say: "He is afraid of it as Satan is afraid of Weihrauch (*i.e.* smoke of incense)." This belief is very old. According to a legend in the Talmud (Sabbath 89a) it was Satan himself (or the Angel of Death who is identical with Satan; cp. the saying in B. B. 16a הוא שטן הוא יצר הרע הוא מלאך המות) who in a generous moment gave away his secret to Moses, telling him that the smoke of incense has the power of stopping his pernicious activities. Thus Moses knew how to put a halt to the activities of the Angel of Death when the plague broke out among the people. He sent Aaron with the pan of smoking incense into the midst of the assembly. "And Aaron stood between the dead and the living and the plague was stayed" (see Numbers XVII, 11–13). Cp. also Tanḥuma, תצוה 15, and Zohar, Vayera 100b–101a, and Phinehas 244.

Incidentally we notice here that all the three methods of dealing with the evil spirits, usually employed by the people (see the essay on "The Ceremony smoke coming up from the incense also protected him from the danger of seeing the Deity clearly face to face. It formed a sort of screen through which he was allowed to look at the Deity, for "through the smoke of the incense God may be seen upon the Ark-cover." This old practice of preparing the incense outside was, therefore, of the utmost importance for the High Priest. It protected him from the accuser, it prevented him from incurring the penalty of death by involuntarily looking the Deity in the face, and at the same time it afforded him the rare privilege of catching a glimpse of God, of seeing Him, if only dimly, through the screen of smoke. The position of the Sadducees in our controversy was therefore perfectly logical. It was consistent with their theological views and with the primitive notions which they held. Their arguments in favor of the old practice, in so far as they are reported by the Baraita in Sifra and in the Palestinian Tamud, clearly point to these primitive theological views and are quite sound. Their first argument, the argument of propriety unmistakably points to their belief that God is present in the Holy of Holies. They say, since God is present behind the curtain in the Holy of Holies, it would be disrespectful to prepare the incense there in His very presence. Their second argument, the one from the words כי בענן אראה על הכפורת, expresses even more strongly their belief in God's presence in the Holy of Holies. God can be seen upon the Ark-cover, but he may be seen only through a screen of smoke; hence that screen of smoke must be prepared outside, so that at the very moment of entering the Holy of Holies, the High Priest if he should involuntarily look in the direction of the Ark-cover would see God only through the screen of smoke. The Baraita does not tell us that the Sadducees also pointed out the

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of Breaking a Glass at Weddings," *l.c.*) were also employed by the High Priest in order to ward off the danger that threatened him from Satan. The white garments were used to deceive Satan, making him believe that the High Priest was one of the angels (see note 11). But there was still the fear lest Satan see through the deception, hence the second method, the one of bribing him, was also used. A gift was sent to Satan in the goat of Azazel (see Pirḳe d. R. Eliezer 46). But the wicked one was not to be trusted. He might seek to harm the High Priest, even after having received the bribe, hence the third method of fighting him and driving him away by the smoke of the incense was resorted to.

danger from Satan which could be warded off by their practice. But this need not surprise us. The author of the Baraita may have hesitated to even mention this superstition. More likely, however, he omitted mentioning it because he was not interested in reporting all the arguments of the Sadducees. For this reason also he does not report how the Sadducees met the Pharisees' argument from the syntactic order of the two verses 12–13 which, pointing to consecutive actions, would apparently demand that he put the incense upon the fire after he had entered the Holy of Holies. From the very fact that, as we have seen, the Pharisees did not stress very much this argument of theirs, we may conclude that they themselves did not consider it an irrefutable proof in favor of their position. The Sadducees must have interpreted these two verses in such a manner as to favor their position. The Pharisees must have felt that the Sadducean interpretation of these two verses was as sound as their own; hence they did not stress the argument based upon their own interpretation of these two verses. Of course, we need not expect the Pharisaic sources to tell us what the Sadducean interpretation was, especially when it was considered as quite sound. We are left to guess what this interpretation was, and it is not so difficult to guess. The Sadducees, I believe, admitted that the syntactic order of the two verses 12–13 prescribed consecutive actions. The action prescribed in verse 13 was to take place after the action of bringing in the incense and the fire into the Holy of Holies, prescribed in verse 12. But they interpreted the two actions in their own way. The action prescribed in verse 12 was, according to their interpretation, not to carry the incense in one hand and the fire in the other and thus enter the Holy of Holies, as the Pharisees said. It was to bring in the smoking incense, *i.e.*, the incense and the fire together into the Holy of Holies. And the action, prescribed in verse 13 to be performed after the high-priest had entered the Holy of Holies, was not to put the incense upon the fire, as the Pharisees claimed. This had already been done, for he had brought in the smoking incense. The action prescribed in verse 13 was to place before God the incense, which was already upon the fire, that is, to put the pan of fiery coals with the smoking incense on it in front of the Deity.[22]

The Pharisees with their purer God conception were opposed to superstitious notions and primitive beliefs fostered by the conservative priests. They were consistent in their belief in the Divine Omnipresence. God is everywhere, the whole world is full of His glory and no one place is more favored with His presence than any other. Accordingly, they denied that God or any visible representation of Him, or any visible manifestation of His Glory could actually be seen in the Holy of Holies hovering over the Ark-cover, or, in the Second Temple when the Ark was no more, on the Stone (אבן שתיה). They sought to teach the people this purer God conception and were opposed to any teaching or practice which might present to the people a false conception of God or confirm them in their old superstition. They objected to the manner in which the High Priest had been accustomed to perform the ceremony of offering the incense on the Day of Atonement, for no other reason than that this old practice tended to perpetuate crude primitive superstitions and to give the people a false conception of God. They accordingly, sought to modify this ceremony, at least to remove from it those features which emphasized the crude superstitions. They advocated a radical reform in the performance of this ceremony which would make it much more compatible with their advanced ideas about God. They had no old tradition to back them in their war against superstition, unless it were that the teachings of the prophets of old helped them in forming their ideas about God and determined their attitude towards the sacrificial cult in general. But ancient custom and traditional practice were against them in this specific case. Neither did they have any express statement in the written Law to support them in this fight. They did not have a strong case; they had only a good cause, the cause of advanced religious thought and correct ideas about God. On the positive side of their arguments, they are weak. They have not one strong positive proof in favor of their position. Even their one positive Scriptural proof from the syntactic order of the two verses 12–13 in Lev. XVI, was, as we have seen, also not unassailable. On the positive side they have only their strong religious convictions to support them. They are, however, negatively strong, as they can show that the arguments of their opponents are not absolutely convincing. In their dispute they, accordingly, limit themselves merely to the task of refuting their opponents' arguments.

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[22] See D. Hoffmann, *Das Buch Leviticus*, p. 446. The interpretation suggested by N. Brüll, *Bet Talmud*, I, (Wien 1881), p. 243, is forced and grammatically impossible.

To the first argument of their opponents, the argument of propriety, they reply by citing the Scriptural passage from Lev. XVI. 13, והלא כבר נאמר ונתן את הקטורת על האש לפני ה'. By this they do not insist that the words לפני ה', "before the Lord," designate the Holy of Holies. This, as we have seen, their opponents also admit, except that they claim that the incense, after it had been put upon the fire, should be placed before the Lord in the Holy of Holies. The Pharisees merely say: "But is it not said 'and he should put the incense upon the fire in the presence of the Lord.'" By this they clearly mean: even if, as you say, he puts the incense upon the fire outside of the curtain, he does it also in the presence of the Lord. For right in the preceding verse ולקח מלא המחתה גחלי אש מעל המזבח מלפני ה', the place of the altar outside of the curtain is also designated as מלפני ה', in the presence of the Lord. Hence, no matter where he prepares the incense, he would be doing it in the presence of God and this according to your reasoning would be disrespectful. It is for this reason, that, as we have already noticed, they do not close their argument with the phrase מלמד שאינו נותן אלא מבפנים, for they did not cite this passage as a positive proof for their position. They merely cited it as a negative proof to show how absurd their opponents' argument was in comparing God, who is everywhere, to a human being who can only be in one place and does not notice what is done in another place.

The second argument of their opponents which seeks to prove from the words כי בענן אראה על הכפורת that God is present upon the Ark-cover and may be seen through the smoke, they refute by rejecting their opponents' interpretation of this Scriptural passage. They did not want to interpret this passage to mean "with a cloud of Glory will I appear on the Ark-cover," as the ancient versions understood it.[23] For this would admit that some visible representation of the Deity is present in the Holy of Holies and the High Priest might well seek to shield himself so as not to look at it directly. They insisted that neither in a corporeal form, nor in an ethereal apparition, nor in a fiery manifestation can the Deity be seen in the Holy of Holies. They, therefore, admit that the word בענן in this passage refers to the smoke of the incense. The Scriptural passage does imply that a smoke-producing ingredient must be mixed in with the incense, but it does not say anything about God's being seen through the smoke. The Pharisees probably read אֶרְאֶה, instead of אֵרָאֶה, and they interpreted the passage to mean "through the smoke I look down upon the Ark-cover and see whether the ceremony of offering the incense there, which I commanded, has been correctly performed."[24] They sought to reduce the ceremony of offering the incense in the Holy of Holies to a mere ritual חקה, like so many other ritual laws prescribed in the Torah, which we must observe because prescribed by God, though we do not know the reason why God commanded them, but must not seek to explain on the basis of superstitions, or as suggesting to us false beliefs.[25] The Pharisaic teachers themselves, however, must have detected a certain weakness in this refutation of the Sadducean argument based upon the words כי בענן אראה על הכפורת. The weak point was the admission on the part of the Pharisees that the word בענן means "through the smoke of the incense" and that the passage teaches the requirement of mixing in מעלה עשן with the incense. This requirement of a smoke-producing ingredient in the incense rather helps the Sadducees, for it suggests that it was necessary to produce a screen of smoke. Some of the teachers wondered why the Pharisees make this admission as to the meaning of the word בענן in this passage, when they could just as well have interpreted the passage to mean, through the clouds do I look down from heaven, and omit any reference to the smoke of the incense and the suggestion of the necessity of a screen of smoke to hide something visible in the Holy of Holies.[26] This difficulty is expressed in the Baraita by the question ומנין שהוא נותן בה מעלה עשן, whence do we know that it was necessary to mix in מעלה עשן, or in other words, why admit that there was any smoke at all? In answer to this question, hinting at the difficulty in the Pharisaic answer, the Baraita cites the passage וכסה ענן הקטורת את הכפורת אשר על העדות ולא ימות, which clearly prescribes, as a specific feature of the ceremony, the covering of the Ark-cover with the smoke of the incense. But lest it be argued that this very passage "that the cloud of the incense cover the Ark-cover that is upon the testimony, that he die not" suggests that some divine manifestation was present upon the Ark-cover and that the High Priest might die as a result of seeing it unless covered by the smoke of the incense, the Baraita wisely and purposely states הא אם לא נתן בה מעלה עשן או שחיסר אחת מכל סממניה חייב מיתה. By this the Baraita indicates that the words ולא ימות do not mean "lest he die" as a result of seeing the manifestation of the Deity. These words mean "so that he may not incur the penalty of death." For the omission of any ingredient of the incense, not only of the מעלה עשן, was an offense punishable by death. And to further prove that the מעלה עשן was just one of the prescribed ingredients of the incense, but was not intended for the purpose of screening the High Priest or covering any manifestation of the Deity, they declared that even the incense which was offered every day, not in the Holy of Holies, but on the altar in the Hekal, where even according to the popular beliefs there was no visible manifestation of the Deity, must also contain the smoke-producing ingredients. They thus declared the מעלה עשן to be merely one of the essential ingredients of the incense and removed the possibility of interpreting its requirement in the incense offered in the Holy of Holies to be for any special purpose.

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[23] Cp. Geiger in *Oṣar Neḥmad, l.c.* Geiger is not correct in his statement that the ancient versions follow in this case the younger Halakah. The versions here represent but the first attempt of the early Halakah to combat the superstitious beliefs. In this first attempt the Halakah contented itself with merely removing the crude anthromoporphic conception, while still admitting that some ethereal manifestation of the Deity could be visible on the Ark. But the Pharisaic Halakah soon went further and denied even the presence of a cloud of glory or of any other visible manifestation upon the Ark-cover. The opinions of R. Judah and the Ḥakamim (Menaḥot 27b, cp. also Sifra, Aḥare Mot I, Weiss 80b), which according to Geiger reflect the younger Halakah, do not admit that any visible manifestation of the Deity was present upon the Ark, as Geiger erroneously assumes (see *Jüdische Zeitschrift*, II, (Breslau 1863), p. 29–31). On the contrary, they further emphasize the Pharisaic denial of such a Presence by indicating that the Holy of Holies was not the only place, which the priests were forbidden to enter, but that other parts of the Temple were also so forbidden, though the penalty for entering the other parts was not so severe as the penalty for entering the Holy of Holies. But just as the forty stripes which one receives for violating the prohibition of entering the Hekal are a penalty inflicted upon him and not a direct consequence of his entering, so also the death mentioned in the Torah for entering the Holy of Holies is likewise a penalty inflicted upon the High Priest and not a direct consequence of his having seen the Deity, for the Deity is in no manner visible there. They thus make it clear that the prohibition to enter the Holy of Holies was not because of the presence of the Deity there. It was just one of many laws regulating the entrance of the priests into the various parts of the Temple, the reasons for which we do not know. See note 25.

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[24] Or, "I will see the smoke which is covering the Ark." I admit that this is merely a guess but I believe it is a good guess. The Pharisees must have given some such interpretation to this verse, namely that God will see the ceremony performed, the smoke covering the Ark, and because of this He will forgive them their sins. Cp. the interpretation given to the words וראיתי את הדם in Mekilta Pisḥa VII, (Friedmann 8a). This idea is also reflected in the Midrashic interpretation to the words וכסה ענן הקטרת as meaning that the smoke of the incense will have the effect of covering, so to speak, the sins, hiding them and forgiving them. See Tanḥuma, תצוה 15 and Kohelet R. IV, 6 and the remarks of רד״ל there.

[25] Cp. the refusal of R. Yoḥanan b. Zakkai to look for any reason for the ritual of purification by the water of sprinkling (Numbers XIX) other than that it was so decreed by God, גזירתו של מלך מלכי המלכים הוא. אמר הקדוש ברוך הוא חוקה חקקתי גזירה גזרתי אין אדם רשאי לעבור על גזירתי (Pesiḳta d. R. Kahana, Parah, 40b). To observe a ceremony without asking for any reason but merely because one believes it to be prescribed by God, has some religious significance and is of disciplinary value. To seek to explain the ceremony by accepting the superstitious beliefs which may have motivated its origin is religiously harmful.

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[26] In some of the sayings of the Rabbis we can discern a tendency to deny the absolute necessity of מעלה עשן in the קטרת. In the first place מעלה עשן is not counted among the eleven ingredients necessary for the קטרת (Keritot 6ab) and we are told in the Midrash (Cant. R. I, 14) that it was not good for the קטרת to contain more than these eleven specified ingredients, מיכן בדקו חכמים ומצאו שאין יפה לקטרת אלא אחד עשר סממנים הללו בלבד. It is true that the Baraita in Keritot 6a, after enumerating the eleven ingredients, adds that three other things (not ingredients, see Rashi there, s.v. שס"ח מנים) were also used in the preparation of the קטרת, viz. בורית כרשינה, יין קפריסין, and מעלה עשן but it reduces the latter to a minimum, saying that the least quantity of it (כל שהוא) was sufficient. Furthermore, the Baraita goes on to explain for what purpose the other two, *i.e.* בורית כרשינה and יין קפריסין (or in the absence of the latter חמר חוריין, or מלח סדומית, or כפת הירדן, see comment of R. Moses Cohen quoted in Tosafot there, s.v. מלח סדומית) were used in the process of the קטרת, but does not tell us for what the מעלה עשן was used. Evidently the author of the Baraita hesitated to state that the מעלה עשן was used to produce a screen of smoke. And by stating that only a neglible quantity of it was used, the Baraita suggests that the requirement of מעלה עשן was really not essential. By this the Baraita meant to remove the last vestige of the idea that a screen of smoke was necessary to prevent the High Priest from seeing the Deity. Perhaps the statement of R. Simon b. Gamaliel in the Baraita (P. Yoma IV, 5), או שנתן לתוכה מעלה עשן חייב מיתה, really expresses this opposition on the part of some teachers to the use of מעלה עשן in the קטרת. For no matter how one may try to explain its presence in the קטרת, it still suggests the belief or gives the impression that a screen of smoke was necessary to hide the visible Deity from the eyes of the High Priest. We have no valid reason for correcting the text, as is suggested by the commentator קרבן העדה when he says: ה"ג או שלא נתן לתוכה מעלה עשן חייב מיתה. He has no Ms. variant nor any older source to warrant this correction. He is merely prompted by the desire to harmonize the saying of R. Simon b. Gamaliel with the other sayings in the Talmud which assume the requirement of מעלה עשן in the קטרת.

The above study reveals the great significance of this controversy between the two ancient parties. It also explains why the reports about this controversy do not explicitly state the reasons which prompted each party to take its particular stand on this question. We can well understand why the Pharisaic teachers hesitated to discuss openly and plainly the issue involved in this controversy. They did not wish to mention expressly and publicly the false beliefs which they were fighting even when they could present their refutations of them. They feared that the mentioning of these beliefs, even together with their refutations, would result in advertising them. For, to use a Talmudic phrase, איכא דשמע בהא ולא שמע בהא, some people might willingly listen to the presentation of these false beliefs and then refuse or neglect to listen also to the refutations. This was all the more to be feared, since the Pharisaic rejection of these popular beliefs involved also a rejection or a forced interpretation of many Biblical passages which speak in anthropomorphic terms of the presence of God in the Temple or in the Holy of Holies upon the

Ark-cover. They therefore sought rather to suppress these superstitious notions, believing that in such cases the dictum of the sage כבוד אלהים הסתר דבר, "It is for the glory of God to conceal a thing" (Prov. XXV, 2), is well applicable. That their apprehensions were not unfounded has been proved by the subsequent development. Not all the Rabbis in later generations could rise to the lofty heights of the early Pharisaic teachers. The superstitious beliefs and primitive notions, which the early teachers sought to fight and suppress, survived among the Jewish people; and echoes of them are found in Rabbinic literature. And while the later Rabbis of the Talmud, when speaking about God in the terms of these ancient primitive beliefs, use these terms only figuratively and in an allegorical sense, yet there were some people in Talmudic and in post-Talmudic times who took them quite literally. The priestly superstitions have not yet died out entirely even among the Jews.

SPUREN DES MATRIARCHATS IM JUEDISCHEN SCHRIFTTUM.

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DAS MATRIARCHAT ist das Gegenstueck zum Patriarchat. Im Patriarchat richtet sich die Verwandschaft nach dem Vater, im Mutterrecht nach der Mutter. Im Vaterrecht wird die Abstammung in maennlicher, im Mutterrecht ausschliesslich in weiblicher Linie verfolgt. Im Vaterrecht gehoert das Kind dem Vater und seiner Familie, im Mutterrecht folgt das Kind der Mutter und ihrem Geschlechtsverbande.

Von diesen beiden Verwandschaftsordnungen ist die Rechnung nach der Mutter die urspruengliche. Das Mutterrecht ist die aelteste Entwicklungsphase, welche das Familienleben ueberall durchlaufen hat. Aus dem Mutterrecht ist das Vaterrecht erwachsen. Die Entwicklung verlief parallel der Entwicklung des Geschlechtslebens vom Hetaerismus durch Polygamie, Gruppenehe, Familienehe zur Einzelehe. Dass das Vaterrecht aus dem Mutterrecht geworden ist, folgt aus dem Studium der Rechte der Naturvoelker offenbar, denn kaum je ist ein Uebergang vom Vaterrecht zum Mutterrecht, sehr häufig aber ein Uebergang vom Mutterrecht zum Vaterrecht nachweisbar.

Aber der Uebergang von einer organisatorischen Bildungsform zur anderen, von einer niedrigeren zu einer hoeheren, erfolgt nicht ohne Kampf. Das Alte räumt nicht ruhig und stillergeben dem Neuen das Feld, es reagiert gegen die Schranken, bäumt sich gegen die neue Ordnung auf. Es wird wohl von dem Neuen, Hoeheren besiegt, aber auf dem weitausgedehnten Schauplatz des Kampfes gibt es Schlupfwinkel und gedeckte Stellungen genug, wohin das Alte, Besiegte sich fluechtet, und wo es sich in seiner Urspruenglichkeit erhaelt. Und selbst dort, wo es scheinbar vollstaendig geschlagen wird, verschwindet es nicht, ohne Spuren von sich in die neue Form, in die neue Ordnung der Verhaeltnisse hinueber zu retten. Dies geschah auch beim Uebergang vom Matriarchat zum Vaterrecht.

So wird denn auch von vielen Voelkern in verschiedenen Teilen der Welt berichtet, dass sie das Mutterrecht entweder jetzt noch ausueben oder frueher ausgeuebt haben, waehrend man selbst da, wo das andere Verwandschaftssystem besteht, oft Gebräuche und Einrichtungen antrifft, welche nicht in dasselbe passen, dagegen vollkommen dem Mutterrecht entsprechen und sicherlich aus einer Zeit stammen, in welcher dies die herrschende Form des Familienlebens war.

Solche Ueberreste—survivals—aus der Zeit des Mutterrechtes gibt es auch im *juedischen Schrifttum:* Verwandschaftsbeziehungen, Rechtssatzungen, Bräuche und Anschauungen, die nur im Mutterrecht ihre Erklaerung finden. Bis auf einen, von Robertson Smith herruehrenden Hinweis auf manche Spur des Matriarchats in der Bibel, ist das Thema, soweit mir bekannt ist, nicht beruehrt worden. Es wird daher eine Behandlung dieses Kultur- und rechtshistorisch bedeutsamen Themas nicht ueberfluessig sein.[1]

I. Bibel.

(1) Bei Personen, die mehrere Frauen hatten, werden die Kinder auch nach ihren Muettern benannt: bei Esau, Jakob und David.[2]

(2) Seit *Rechabaam* wird bei den Koenigen Judas und einigen der Koenige Israels der Name der Mutter angegeben: "Und der Name seiner Mutter N.N."[3]

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[1] Zu diesen Ausfuehrungen vgl. Robertson Smith, "Animal Worship and Animal Tribes among the Arabs and in the Old Testament," *Journal of Philology*, IX, 75–100; Mac Lennan, *Studies in Ancient History*, comprising a reprint of *Primitive Marriage*, 124f; Lubbock, *On the Origin of Civilization and Primitive Condition of Man*, S. 133; G. A. Wilken, *Das Matriarchat bei den alten Arabern*, SS. 1f, 7ff; J. Kohler, *Kultur der Gegenwart* II, VII, 1 (1914), SS. 7 f, 19 f; F. Bachhofen, *Mutterrecht*; L. H. Morgan, *Ancient Society*, New York, 1877. Weitere Literatur bei E. Bernheim, *Lehrbuch der historischen Methode und Geschichtsphilosophie*, Leipzig 1903, S. 672 f.

[2] Gen. 36, 6–18; 33, 2–7; 46, 9–25. II Sam. 21, 8.

[3] I Koen. 11, 22; 14, 21, 31; 15, 2, 6 (II Chr. 13, 2); 22, 42; II Koen. 8, 26 (II Chr. 20, 22); 12, 2 (II Chr. 24, 1); 14, 2 (II Chr. 25, 1); 15, 33 (II Chr. 27, 1); 18,2 (II Chr. 29, 1); 21, 1, 9; 23, 36, 31; 24, 18; II Chr. 26, 3.

Auch bei anderen patriarchalischen Voelkern wird das Mutterrecht bei der Erbfolge um den Thron beibehalten.[4] Auch aus der alten Geschichte Arabiens sind uns einige Beispiele bekannt, dass Fuersten in ihren Funktionen von Schwesterkindern nachgefolgt wurden.[5]

(3) Mehrere Personen werden nach ihren Muettern benannt: Dina, die Tochter Leas (Gen. 34, 1); Saul, der Sohn der Kanaaniterin (Gen. 46, 10, Ex. 6, 15); Adonijah, der Sohn der Hagith (I Reg. 1, 5, 11; 2, 13); Obijah, der Sohn der Maachah (II Chr. II, 22); Josabar, der Sohn der Simath (II Reg. 12, 22; II Chr. 24, 26); Josabar, der Sohn der Schomer (II Reg. 12, 22). Die drei Brueder Abischai, Joab, und Asael werden konsequent die Soehne der Zeruja genannt.[6]

Warum Joab der "Sohn Zerujas" genannt wird, darueber wurde schon R. Hai Gaon gefragt. Er antwortete: Es sei diese Bezeichnung eine Ehrung Joabs gewesen, da Zeruja die Schwester des Koenigs (David) gewesen.[7] Aber diese Erklaerung ist nicht zutreffend. Erstens werden auch Abisai und Asael "die Soehne der Zeruja" genannt. Zweitens wird Amasa, der Oberfeldherr Davids (II Chr. 12, 14), dessen Mutter Abigail ebenfalls eine Schwester Davids war (I Chr. 2, 16f), nicht nach ihr genannt, sondern nach seinem Vater,[8] der vielleicht gar ein fremdnationaler,[9] sicher aber von unberuehmter Herkunft war.

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[4] Kohler, *Kultur der Gegenwart*, II, VII, 1. (1914), S. 20.

[5] Wilken, *Das Matriarchat bei den alten Arabern*, S. 42.—L. Loew, *Gesammelte Schriften*, III, S. 139, bemerkt: "Bekanntlich werden in der Koenigsgeschichte die Muetter der regierenden Häupter mit ihren Namen angefuehrt, weil im Oriente die Mutter des Regenten einen bedeutenden Einfluss auf die Staatsgeschaefte ausuebt, ja nicht selten die Zuegel der Regierung in ihren Haenden haelt." Aber in der biblischen Koenigsgeschichte wird davon nichts erzaehlt.

[6] II Sam. 2, 18; 3, 39; 16, 18; 19, 23 f.

[7] Responsen der Geonen ed. Lyck N. 12, Scha'are Teschuba N. 19: וששאלת יואב בן צרויה למה נקרא בשם אמו ועוד מה הוא שם אביהם, שם אביהם ידוע כמו שכתוב (ד"ה א', ד', י"ד) ושרויה הוליד את יואב אבי גיא חרשים, ומתוך שהיתה אמו אחות המלך דוד נקרא על שלמה על שמה לגדלו בה.

Zur Bemerkung des Gaons, dass Seraja (I Chr. 4, 14) der Vater Joabs war, vgl. den Chronikkommentar eines Schuelers Saadjas z. St. Er scheint gegen diese Ansicht zu polemisieren. ולא זה שריה בעלה של צרויה כי שריה בעלה של צרויה הוא שריה בן עשיאל בן יושביה שהיה בימי דוד (I Chr. 4, 35) ולכן היו שמות בניו אבישי ועשהאל, אבישי על שם יושביה ועשהאל על שם עשיאל אבי אביו.

(4) Bei mehreren Personen wird ihre Verwandschaft nach der Mutterseite hinauf verfolgt:

(a) "*Ḥezron* verband sich mit der Tochter *Machirs*, des Vaters Gileads; die gebahr ihm Segub und Segub zeugte Jair. Diese alle waren die Kinder des Machir." (I. Chr. 2, 21–23). Jair wird auch Num. 32, 41 als Sohn Menasses bezeichnet. Also richtet sich die Verwandschaft hier nicht nach der Vaterseite sondern nach der Mutter. Dies ist umso merkwuerdiger als der Vaterstamm Juda ist.

(b) Richter 17, 7: "Nun war ein junger Mann zu Bethlehem in Juda, aus dem *Geschlechte Juda, der war ein Levite.*" Dieser junge Levite wird also wegen seiner Abstammung muetterlicherseits von Juda dem Geschlechte Juda zugezaehlt.

(c) Die Mutter Hirams, des Kuenstlers des salomonischen Tempels, ist in I R. 7, 14 "vom Stamme Naphtali" und in II Chr. 2, 13 "von den Toechtern Dans." Also wird an einer dieser Stellen die Abstammung muetterlicherseits fuer die Genealogie verwendet.[10]

(d) *Ismael*, der Sohn Nethanjas, des Sohnes Elisamas, der Moerder des letzten Statthalters in Judaea, war "aus koeniglichem Geschlecht" (Jer. 41, 1). Nach der Tradition aber ist dieser Elisama identisch mit dem I Chr. 2, 17 erwaehnten Elisama, dem Nachkommen einer Judaeerin und *eines aegyptischen Sklaven.*[11]

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[8] II Sam. 17, 25; I Reg. 2, 32; II Reg. 2, 5.

[9] Jerusch. Jebam, VIII, 3, 10c; Ruth r. 4, 1; Mid. Ps. 9, §11.

[10] Vgl. weiter unten III, 4.

[11] Jerusch. Horajoth III, 48b unten. "R. Jochanan sagt: Vertraue nicht einem Sklaven, selbst im 16. Geschlecht (nach seiner Freilassung). Beweis Jer. 41, 1." א״ר יוחנן אל תאמן בעבד עד ששה עשר דור בא ישמעאל בן נתניה בן אלישמע מזרע המלוכה ויכה את גדליהו במצפה.
Vgl. Pseudo-Raschi 1 Chr. 2, 35; wo der Satz aus Jerusch. Jebam. zitiert wird: אל תאמן בגר עד ט״ו דורות. . . וי״א ט״ז דורות

Kimchi zu Jer. XLI, 1 zitiert folgende Agada: ורז״ל דרשו כי ישמעאל זה בן גרים היה כי ירחמאל לקח אשה ושמה עטרה כמו שכתוב בדברי הימים ואמרו עטרה זו היתה גויה ובת מלכים היתה ולקחה ירחמאל לבנו להתעטר בה לפי שהיתה בת מלכים ולפיכך קרא שמה עטרה ואמרו אל תאמן בגר עד כ״ד דורות ומעטרה עד ישמעאל כ״ד דורות כמו שכתוב שם.
Der erste Teil der Agada in bezug auf Jerachmael findet sich in Jerusch. Syn-

Die koenigliche Abstammung Elisamas war aber bloss von der Seite seiner Mutter.

(e) "Und von den Nachkommen der Priester . . . die Nachkommen Barsilais, der eine von den Toechtern Barsilais, des Gileaditers, geheiratet hat und nach ihrem Namen genannt wurde" (Esra 2, 61; Neh. 7, 63).[12]

(f) Mordechai, der aus Benjamin stammte, wird im Buche Esther[13] als יהודי bezeichnet. Dies wird im Talmud im Sinne von "aus dem Stamme Juda" verstanden und daher die Frage aufgeworfen, wie dies zu erklaeren sei, da doch Mordechai ein Benjaminite war (Esther 2, 5)? Der Widerspruch wird geloest, indem erklaert wird: Mordechais Vater war ein Benjaminite, seine Mutter aber stammte aus Juda.[14] Demnach benennt der Verfasser des Estherbuches Mordechai nicht nach dem Stamme des Vaters, sondern nach der Abkunft *muetterlicherseits.*

(5) *Heirat mit der Halbschwester vaeterlicherseits.*

Abraham und Sarah.

"Uebrigens ist sie wirklich meine Schwester, die Tochter meines Vaters—nur nicht die Tochter meiner Mutter—und sie wurde mein Weib" (Gen. 20, 12). Der einfache Wortsinn dieser Stelle besagt, dass Sarah die Schwester Abrahams vaeterlicherseits war. So auch die von der Mehrheit vertretene Ansicht im Talmud. Nach der Ansicht des R. Meir aber sprach Abraham bloss im Sinne des Ortsbrauches, wo Heiraten mit Schwestern vaeterlicherseits zulaessig waren.[15] Sarah selbst aber war bloss die

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hed. III, 20b oben, Ruth r. g. E. Den Schluss aber in bezug auf Proselyten finde ich momentan nicht.

[12] Vgl. den oben Anm. 7 erwaehnten Chronikkommentar a. a. O.

[13] 2, 5; 6, 10; 8, 7; 9, 29; 10, 3.

[14] Megillah 12b.

[15] Gen. r. 18, 5: על כן יעזב איש את אביו ואת אמו (בראשית ב', כ"ד) תנו גר שנתגייר והיה נשואי לאחותו בין מן האב בין מן האם יוציא כדברי ר' מאיר, וחכמים אומרים מן האם יוציא ומן האב יקיים שאין אב לגוי. אתיבון ליה והכתיב וגם אמנה אחותי בת אבי וגו' (בראשית כ', י"ב) אמר להון בשיטתן השיבון.
Jerusch. Jeb. XI, 12a, Gen. r. 52, 11, und Tanch. ed. Buber וירא, §26. Vgl. Jeb. 98a, Synhed. 57b. Vgl. noch Midrasch ha-gadol, ed. Schechter, S. 298; Pseudo-Raschi zu Gen. r. und Matnoth Kehuna. Einhorn hat nicht das richtige getroffen.

Brudertochter Abrahams.[16] Aber auch nach der Ansicht R. Meirs erfahren wir aus den Worten Abrahams, dass zu jener Zeit es Brauch war, Halbschwestern vaeterlicherseits zu heiraten, aber nicht solche muetterlicherseits.

Das ist Matriarchat. Beweis dafuer sind die *Athener*. Bei ihnen hat in alter Zeit das Mutterrecht gegolten, da sie sich nach ihren Muettern genannt haben.[17] Nun aber hat Solon die Ehe mit der Halbschwester vaeterlicherseits gestattet, dagegen die mit der Halbschwester muetterlicherseits verboten.[18] Dasselbe finden wir auch bei den alten Arabern und andern Voelkern, bei denen das Mutterrecht gegolten bezw. noch gilt.[19]

(b) Thamar spricht zu ihrem Halbbruder vaeterlicherseits Amnon: "Sprich mit dem Koenige, denn er wird mich dir nicht vorenthalten" (II Sam. 13, 13). Da es aber nicht wahrscheinlich ist, dass im Hause Davids solche Ehen entgegen dem biblischen Verbot gebräuchlich waren, so duerfte vielleicht die Erklaerung des Talmuds zutreffen, dass Thamar die Tochter einer Kriegsgefangenen (Sklavin) gewesen,[20] bei der keine Verwandschaft vaeterlicherseits vorhanden ist. So waren Thamar und Amnon Fremde zueinander. Aber diese Bestimmung selbst stammt, wie wir bald sehen werden, aus dem Matriarchat.

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[16] Synhed. 58b.

[17] Augustin, *De civitate Dei*, XVIII, 9; Wilken, *Das Matriarchat bei den alten Arabern* (Leipzig 1884), S. 7 f.

[18] Philo, *De spec. leg.*, III, §4. (ed. Cohn V. p. 155, §22). Vgl. die Quellen in der Anm. des Herausgebers und in den *Schriften der juedisch-hellenistischen Literatur*, ed. Cohn, II, S. 189, Anm. 2.

Umgekehrt finden wir bei den Spartanern, dass die Ehe mit der Halbschwester muetterlicherseits gestattet, hingegen die mit der Halbschwester vaeterlicherseits verboten war. Philo a. a. O. Bei ihnen herrschte das Patriarchat.

[19] Wilken, a. a. O., S. 42 f.

[20] Synhed. 21a. Vgl. beide Tanchuma כי תצא, §1, wo gesagt wird, dass Absalom—der Bruder Thamars—der Sohm einer Kriegsgefangenen war.

Der Autor des Satzes im Talmud ist Rab, der seinem Standpunkt in der Halacha folgt, dass eine einmalige Annaeherung an die Kriegsgefangene auch vor ihrer Bekehrung erlaubt ist; Kidd. 21b, Jerush. Makkot II, 7, 31d. Die gelaeufige Auffassung in der Halacha ist aber, dass jeder Verkehr mit der Kriegsgefangenen vor ihrer Bekehrung verboten ist; Sifre Deut. §211–214; Tossefta Jebamot IV, 8. Babli das. 47b, 48a-b, Semachot VII g. E., Jerusch. Makkot a. a. O. Nach dieser Auffassung, die ja auch annehmen muss, dass Thamar vom gesetzlichen Standpunkt nicht die Tochter Davids, also die Tochter einer Kriegsgefangenen war, muss gesagt werden, dass David nicht genau nach halachischer Vorschrift gehandelt. So scheint R. Chananel Synhed. a. a. O.

(c) Wie maechtig aber die Erinnerung an das Mutterecht auch noch in verhaeltnismassig sehr spaeter Zeit wirkte zeigt Ez. 22, 10–11: "Des *Vaters* Scham entbloesst man bei dir, die vom Blutgang Unreine schwaecht man bei dir. Der treibt mit dem Weibe seines Naechsten Greuel, der verunreinigt seine Schwiegertochter durch Unzucht, und der schaendet bei dir seine Schwester, die *Tocher seines Vaters*." Also selbst in diesem Zustande sittlicher Verderbtheit wurde die Verwandschaft muetterlicherseits respektiert.

II. HALACHA.

In der Halacha gilt der Satz: "Die Familie des Vaters gilt als Familie, die der Mutter gilt nicht als Familie.[21]" Die Bestimmung wird abgeleitet von der Angabe der Bibel "nach ihren Familien, nach dem Hause ihrer Vaeter."[22] Dies entspricht in der Tat auch im Allgemeinen der Auffassung der Bibel, in der die Genealogien

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verstanden zu haben, indem er erklaert, dass Absalom und Thamar vor der Bekehrung ihrer Mutter geboren wurden. Die Tossafisten aber, die dieses nicht zugeben wollen, erklaeren, dass Thamar gar nicht die Tochter Davids sondern die Tochter Maachas von ihrem ersten Manne war; Synhed. a. a. O., Kidd. 22a. Diese Erklaerung findet sich schon in dem einem Schueler Saadjas zugeschriebenen Chronikkommentar, ed. Kirchheim zu I, 3, 9, aber sie hat den Bibeltext gegen sich, indem Thamar die Schwester der Soehne Davids genannt wird; Chronik das.

[21] Sifre Num. §114. B. Batra 109b, 110a, Jebamot 54b, vgl. Ḳidd. 69a, Jerusch. Jebam. I, 44b, Ḳidd. I, 14, 64d, Sifra ,אמור, Parascha XIV Anfang, Lev. r. 32, 3, Tan. 14 §24 (ed. Buber §32), Gen. r. 7, 2, Pes. ed. Buber 35a, Pes. r. IV, 61a, Tan. אמור §4 (ed. Buber §15), Koh. r. zu 7, 23, Num. r. 19, 13, Deut. zuṭṭa in Jal. Deut. §835.

Im Gegensatz zur talmudischen Halacha lehren die Karaeer, dass auch die Familie der Mutter als Familie gilt: Wenn es also in der Schrift in bezug auf die Erbordnung heisst: "Und ihr sollt seinen Erbbesitz dem naechsten Verwandten geben aus *seiner* Familie," so bekundet sie damit, dass sowohl die Verwandtschaft der Mutter, sowie die des Vaters gemeint sei. לכך זה שאמר בסדר הירושות ונתתם את נחלתו לשארו הקרוב אליו ממשפחתו הודיע כי הוא מכליל משפחת אמו ומשפחת אביך לעיניך.

[22] Num. 1, 20, 22, 24, 28, 30, 32, 34; 15, 38, 40, 42.

nach der Vaterseite angegeben werden. Aber schon die Lehrer des Talmuds haben festgestellt, dass es in der Bibel auch Ausnahmen von dieser Regel gibt.

Gegen den erwaehnten Satz wird auf Ri. 17, 7 hingewiesen: "Nun war ein junger Mann zu Bethlehem in Juda aus dem *Geschlechte Juda*, der war ein Levite." Der junge Levite wird also wegen seiner Abstammung muetterlicherseits von Juda dem Geschlechte Juda zugezaehlt.[23]

Es wird nun versucht diesen Einwand zu entkraeften. Zuerst wird erklaert: "Levi" in der fraglichen Bibelstelle bezeichnet nicht die Stammeszugehoerigkeit, sondern ist Eigenname.[24] Diese Erklaerung wird unter Hinweis auf Ri. 27, 12 abgewiesen und zur Entkraeftung des Einwandes erklaert: "Juda" ist keine genealogische Bezeichnung, sondern moralische Qualifikation. Weil der junge Mann Goetzendienst getrieben wie Manasse, der aus Juda stammt, wird er genannt "vom Geschlechte Juda.[25]" Diese Erklaerung bleibt. Es braucht aber kaum hervorgehoben zu werden, dass die bleibende Erklaerung ebensowenig ernst genommen werden, ja ernst gemeint sein kann, wie die zurueckgewiesene. Beide Erklaerungen sind Notausfluechte, um nicht ausdruecklich zugeben zu muessen, dass eine Angabe der Bibel einer in Geltung stehenden Halacha widerspricht.

In Wirklichkeit ist ein Ausgleich zwischen der Bibelstelle und der Halacha nicht moeglich. Es muss zugegeben werden, dass der junge Levite mit einem Fusse im Matriarchat steht, in dem auch folgende halachische Bestimmungen ihren Ursprung haben:

(a) Das Kind eines juedischen Vaters und einer unfreien oder nichtjuedischen Mutter ist Sklave bezw. Nichtjude.[26] *Das Kind folgt also dem Stande der Mutter.*

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[23] B. Batra 109b: והא כתיב (שופטים י"ז ז') ויהי נער מבית לחם יהודה ממשפחת יהודה והוא לוי והוא גר שם. הא גופא קשיא אמרת והוא לוי והוא גר שם אלמא מלוי אתי ממשפחת יהודה אלמא מיהודה אתי אלא לאו דאבוה מלוי ואימיה מיהודה וקאמר ממשפחת יהודה.

[24] גברא דשמיה לוי.

[25] מתוך שעשה מעשה מנשה תלאו הכתוב ביהודה.

[26] וכל מי שאין לה עליו ולא על אחרים קידושין הולד כמותה ואיזה זה ולד שפחה נכרית

Mischna Ḳidd. 66b, Jeb. II, 6, Mechilta Mischpatim II Anf., Sifra Behar, Parascha 6, Halacha 3, Sifra Deut. §215, Tos. Ḳidd. V, 12, Jeb. 17a, 22a, 23a, Ḳidd. 69b, Jersuch Jeb. I, 14, 4a, Ḳidd. III, 14, 64d, Gen. r. 7, 2, Pes., ed.

(b) Das Kind eines nichtjuedischen oder unfreien Vaters und einer juedischen Mutter ist Jude.[27] *Das Kind folgt also dem Stande der Mutter.*

Fuer den Zusammenhang dieser beiden Bestimmungen mit dem Matriarchat ist besonders folgende Erzaehlung *Herodots* von den Lykiern wichtig:

"Sie haben eine sonderbare Gewohnheit, wodurch sie sich von allen anderen Nationen der Welt unterscheiden. Sie nehmen den Namen ihrer Mutter und nicht den ihres Vaters an. Wenn man einen Lykier fragt, wer er ist, antwortet er mit seinem Namen, gibt dann den seiner Mutter und so der Reihe nach seine Abstammung in der muetterlichen Linie an. Noch mehr: wenn sich eine freie Frau mit einem Sklaven verheiratet, werden ihre Kinder als von guter Geburt angesehen, aber wenn ein freier Mann eine fremde Frau heiratet, dann haben ihre Kinder, auch wenn er die erste Person im Staate ist, durchaus kein Buergerrecht.[28]"

Dieselben Bestimmungen finden sich auch bei den Arabern und anderen Voelkern, bei denen das Mutterrecht noch heute gilt oder in frueherer Zeit gegolten hat.[29]

So steht der Zusammenhang dieser Satzungen mit dem Mutterrecht ausser jedem Zweifel.

Die Bestimmung, betreffend das Kind eines Freien und einer Sklavin, reicht in die Urzeit Israels hinauf, sie ist die Grundlage eines Brauches, der in der Patriarchengeschichte eine bedeutende Rolle spielt: "*Die Herrin uebergibt ihrem Manne ihre Sklavin, um von ihr erbaut zu werden.*"

(a) *Sarah und Hagar:*

"Und Sarai, das Weib Abrams, hatte ihm keine Kinder geboren; sie hatte aber eine aegyptische Sklavin namens Hagar. Da sprach Sarai zu Abram: Da mir der Ewige nun einmal Kinder versagt hat, so gehe doch ein zu meiner Leibmagd: Vielleicht werde ich durch sie zu Kindern kommen. Und Abram gehorchte den Worten Sarais. Da nahm Sarai, das Weib Abrams, die Aegypterin

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Buber, 35a, Pes. r., Kap. 4, Tan. חוקת §4 (ed. Buber §15), Koh. r. 7, 23, Num. r. 19, 3.

[27] Vgl. Exkurs 1 (im nächsten Bande des Annual).

[28] Bei G. A. Wilken, *Das Matriarchat bei den alten Arabern*, S. 48.

[29] Wilken, das., S. 44.

Hagar, ihre Leibmagd, nachdem Abram zehn Jahre im Lande Kanaan gewohnt hatte, und gab sie Abram, ihrem Manne, zum Weibe." (Gen. 16, 1–3.)

(b) *Rahel und Leah, Bilha und Silpa:*

"Da sprach sie: hier ist meine Leibmagd Bilha, wohne ihr bei, damit sie auf meinem Schoss gebaere und auch ich durch sie zu Kindern komme. Da gab sie ihm ihre Leibmagd Bilha zum Weibe, und Jakob wohnte ihr bei. Da wurde Bilha schwanger und gebahr dem Jakob einen Sohn. Rahel aber sprach: Gott hat mir Recht geschafft und hat mich erhoert und mir einen Sohn geschenkt. Darum nannte sie ihn Dan. Hierauf wurde Bilha, die Leibmagd Rahels, abermals schwanger und gebar dem Jakob einen zweiten Sohn. Da sprach Rahel: Einen Kampf um Gottes Gnade habe ich gekaempft mit meiner Schwester und habe gesiegt. Darum nannte sie ihn Naphtali. Als nun Leah sah, dass sie kein Kind weiter gebahr, nahm sie ihre Leibmagd Silpa und gab sie dem Jakob zum Weibe. Da gebar Silpa, die Leibmagd Leahs, dem Jakob einen Sohn. Da sprach Leah: Glueck auf! Und sie nannte ihn Gad. Hierauf gebar Silpa, die Leibmagd Leahs, dem Jakob einen zweiten Sohn. Da sprach Leah: Ich glueckliche. Ja, gluecklich werden mich alle Weiber preisen. Daher nannte sie ihn Asser." (Gen. 30, 3–13).

Wie sind diese Vorgaenge zu verstehen? Wieso wird die Herrin durch die Kinder ihrer Sklavin erbaut? Aber aus der Rechtsanschauung, dass die Kinder einer Sklavin von einem Freien dem Stande der Mutter folgen, ist die Sache ganz klar: Diese Mischkinder sind wie ihre Mutter Sklaven und gehoeren dem Besitzer ihrer Mutter (vgl. Ex. 21, 4). Demnach waren die Kinder Hagars von Abraham und Bilhas und Silpas von Jakob Eigentum ihrer Herrinen als Sklaven; dadurch aber, dass die Herrinnen selbst ihre Sklavinnen ihren Ehegatten zum ehelichen Umgang uebergaben, haben sie die zu erwartenden Kinder stillschweigend adoptiert und zu ihren eigenen Kindern gemacht. Eine stillschweigende automatische Adoption, die in ihrer Wirkung nicht geringer sein kann, als eine ausdrueckliche, formelle Annahme an Kindesstatt. Auf diese Weise wird die Herrin durch ihre Sklavin erbaut, da die Kinder der Sklavin von ihrem Herrn Kinder ihrer Herrin sind.

Dass die Kinder der Sklavin selbst von ihrem eigenen Herrn Sklaven sind und nur durch Adoption zu Kindern des Herrn werden koennen, finden wir bei Hammurapi:

"Wenn einem Manne seine Gattin Kinder (Soehne) geboren und seine Magd Kinder geboren hat (und) der Vater bei seinen Lebzeiten zu den Kindern, welche ihm seine Magd geboren hat, "meine Kinder," sagt, sie den Kindern seiner Gattin zurechnet (und) hierauf der Vater stirbt, teilen die Kinder der Gattin und die Kinder der Magd das vaeterliche Eigentum untereinander. Nachdem der Sohn der Gattin seinen Anteil gewaehlt hat, erhaelt er ihn. Wenn aber der Vater zu den Kindern, die ihm seine Magd geboren hat, "meine Kinder" nicht sagt, und der Vater stirbt, sollen die Kinder der Magd nicht mit den Kindern der Gattin das vaeterliche Erbe teilen.[30]"

In den beiden Erzaehlungen also sind dieselben Rechtsprinzipien wirksam. Wie verschieden aber war das Schicksal des Sohnes der Hagar von dem der Soehne Bilhas und Silpas! Ismael, der Sohn Hagars, wurde vom Hause Abrahams vertrieben, und sank wieder in den Stand seiner Mutter hinab, er blieb "der Sohn der Sklavin." (Gen. 21, 10–13.) Die Soehne Jakobs von Bilha und Silpa aber gehoerten zur Familie des Patriarchen und wurden Stammeshäupter und Mitbegruender des Volkes, dessen Ahnen die Patriarchen waren. Wie ist dies zu erklaeren? Die Antwort darauf ergibt sich aus den zu jener Zeit herrschenden Adoptionsbestimmungen. So lesen wir in den Gesetzen Hammurapis:

"Wenn ein Mann ein Kind in Adoption genommen hat und sobald sie es genommen haben, es sich an Vater und Mutter versuendigt, kehrt dieses Ziehkind in das Haus seines Vaters zurueck.[31]"

Also ein Vergehen des Adoptionskindes gegen die Adoptiveltern hebt die Adoption auf. Das ungezogene Ziehkind muss das Haus seiner Zieheltern verlassen und kehrt dorthin zurueck, woher es gekommen. Daher:

"Als nun Sara *den Sohn der Aegypterin* Hagar, den sie Abraham geboren hatte, lachen sah,[32] da sprach sie zu Abraham: Jage diese Sklavin und ihren Sohn hinweg; denn der Sohn dieser Sklavin soll nicht erben mit meinem Sohn, mit Isaak." (Gen. 21, 9–10.)

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[30] Hammurapi §§170, 171, D. H. Mueller, *Die Gesetze Hammurabis*, S. 46.

[31] Hammurapi §186, Mueller, a. a. O., S. 53.

Sara, die Adoptivmutter, hat die Adoption Ismaels aufgehoben: "Abraham aber missfiel die Sache sehr, von wegen seines *Sohnes*" (ebda. 11). Abraham sah die Aufhebung der Adoption Ismaels nicht gern; er war doch sein Blut und Fleisch—*sein Sohn.* Aber es nuetzte ihm nichts, er musste sich dem Gesetze fuegen: "Da sprach Gott zu Abraham: Lass es dir nicht leid sein wegen des *Knaben* und wegen deiner Sklavin; gehorche Sara in allem, was sie von dir verlangt—im Mutterrecht ist die Frau die Herrscherin des Hauses—denn nur die, *die von Isaak stammen, werden als deine Nachkommen gelten.* Aber auch *den Sohn der Magd* will ich zu einem Volke werden lassen, weil er dein Sohn ist." Ismael wurde also der Sohn der Sklavin und verliess mit seiner Mutter das Haus des Patriarchen.

In den Gesetzen Hammurapis heisst es ferner:

"Wenn ein Mann ein Kind adoptiert, es erzieht und seinem Hause einverleibt und, nachdem er Kinder bekommen hat, den Adoptivsohn zu verstossen beabsichtigt, geht dieser Sohn nicht (ohne weiteres) seines Weges. Er erhaelt von seinem Vater ein Drittel eines Sohnesteiles, dann geht er. Von Feld, Garten, und Haus bekommt er nichts.[33]"

Nach dieser Bestimmung handelte Abraham:

"Abraham aber uebergab alle seine Habe dem Isaak. Aber den Soehnen der Kebsweiber, die Abraham hatte, gab Abraham Geschenke und liess sie noch bei seinen Lebzeiten von seinem Sohne Isaak hinweg oestlich, in das Ostland ziehen."

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[32] Die schweren Folgen, welche dieses Lachen fuer Ismael hatte, beweisen, dass hier nicht ein natuerliches, harmloses Lachen gemeint ist. Dies haben die Agadisten erkannt, wenn sie auch uebertreibend in מצחק ein schweres Verbrechen suchen. Vgl. Tosefta Soṭa VI, 6, Sifre Deut. §31, Gen. r. 53, 11. Am passendsten ist die Erklaerung R. Simon b. Jochais, dass Ismael auf seine Erstgeburt pochend, prahlte, er werde vom Nachlass Abrahams einen Doppelanteil erhalten. Diese agadischen Deutungen fast woertlich bei *Hieronymus.* Vgl. Rahmer, *Die hebraeischen Traditionen in den Werken des Hieronymus*, S. 31 f.

[33] Hammurapi §191. Mueller, a. a. O., S. 54.

Da Abraham nur zwei Kebsweiber hatte, Hagar und Keṭura,[34] so ist auch Ismael, der Sohn Hagars, der durch die Aufhebung seiner Adoption wieder der Sohn der Sklavin wurde, auf dieselbe Weise wie die Kinder der Keṭura abgefertigt worden.

Aber die Soehne Bilhas und Silpas, deren Adoption aufrecht blieb, wurden die Kinder Jakobs wie die Kinder Rahels und Leas.

Den Soehnen Rahels und Leas war es durchaus nicht recht, dass die Soehne der Sklavinnen zu Kindern des Hauses Jakobs wurden. Daher sannen sie darauf, die Aufhebung der Adoption der Soehne Bilhas und Silpas herbeizufuehren. Daher "hielt sich Josef bei den Soehnen Bilhas und Silpas, der Weiber seines Vaters auf und hinterbrachte ueble Nachreden ueber sie ihrem Vater." (Gen. 37, 2).

Es gelang den Soehnen Rahels und Leas nicht, ihre Absicht zu verwirklichen, die Soehne Bilhas und Silpas blieben die Kinder Jakobs. Aber in Gedanken und Tat, in ihrem eigenen Wirkungskreise hielten die Soehne der Herrinnen die Soehne Bilhas und Silpas fuer Sklaven.

Dies erzaehlt uns die Agada: Sie verachteten die Soehne der Sklavinnen und nannten sie Sklaven.[35] In einem jungen exegetisch-midraschischen Werke, das aber aus alter Quelle schoepfte, findet sich zu Gen. 37, 2:

"Josef war der Vorgesetzte seiner Brueder und pflegte ihnen zu befehlen: tut dies, tut jenes. Nicht aber ueber alle seine Brueder war er Aufseher, sondern ueber *die Soehne Bilhas und Silpas*. Er war naemlich der Meinung: diese seien Kinder der Kebsweiber und werden nicht mit den Soehnen der Herrinnen erben.[36]"

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[34] Nach der Agada ist sogar Ḳeṭura identisch mit Hagar; Gen. r. 61, 4 und Parallelen. Vgl. auch Theodors Kommentar z. St. Die Nichtidentitaet Keṭuras mit Hagar wird auch in der Alexanderlegende, Synhed. 91a, vorausgesetzt. In Gen. r. 61, 7 und Fastenrolle, Kap. 3, bloss: "Ismaeliten." Vielleicht haengt dies mit der Auffassung Keṭura = Hagar zusammen. Ueber diese Legende vgl. Aptowitzer, *Mélanges Israel Levi* (*REJ* 1926), S. 279.

[35] מזלזלין בבני השפחות וקורין להם עבדים, Gen. r. 84, 7. מזלזלין בבני השפחות ונוהגים בהם כעבדים, Jerusch. Pea I, 1, 16a. Vgl. noch *Beth ha-Midrasch*, VI, 38, 82 N24.

[36] שהיה [יוסף] שוטר עליהם ושומר אותם וכו' ואומר עשו כך עשו כך. ולא על כולם אלא את בני בלהה ואת בני זלפה לפי שהיה סובר שהם בני פילגשים ולא יירשו את בני השפחות. Lekach Tob, Gen., ed. Buber, I, 94a. Sechel Tob, I, 214.

Fuer das Alter dieser Agada ist die Tatsache massgebend, dass sie ihrem Hauptgedanken nach noch in einem apokryphen Werke vorkommt, das hoechstwahrscheinlich aus dem ersten Jahrhundert stammt. In dem griechischen Joseph-Roman "Gebet der Aseneth" will der Sohn Pharaos die Soehne Bilhas und Silpas gegen Josef aufstacheln und erzaehlt ihnen zu diesem Zwecke, Josef haette zu Pharao gesagt:

"Dan und Gad und Naphtali und Asser sind nicht meine Brueder, sondern Kinder der Sklavinnen meines Vaters. Ich will den Tod meines Vater abwarten, um sie dann von der Erde zu vertilgen, sie und ihr ganzes Geschlecht, damit sie nicht erben sollen mit uns, da sie Kinder der Sklavinnen sind.[37]"

Diese Agada aber, die im Bibeltext keinen Anhaltspunkt hat, und auch keine Schwierigkeit im Bibeltext loesen oder eine Luecke in demselben ausfuellen will, ist eine echte alte Volkssage.[37a]

Die Soehne Rahels und Leas, die die Adoption der Sklavinnen nicht anerkannten und diese fuer Sklaven hielten, mussten konsequenterweise auch die Soehne Josefs von der Aegypterin Aseneth als Fremde ansehen, die nicht zur Familie Jakobs gehoeren. Daher musste Jakob die Soehne Josefs adoptieren, sie zu seinen Kindern machen: "Deine beiden Soehne aber, die dir in Aegypten geboren wurden, bevor ich zu dir nach Aegypten kam, die sollen mir gehoeren: Ephraim und Manasse,—wie Ruben und Simon sollen sie mir gelten." Gen. 48, 5). Ist nun durch die Adoption Ephraims und Manasses einmal festgestellt worden, dass die Soehne Josefs von der Aseneth zur Familie Jakobs gehoeren, dann war die Ankindung der uebrigen Nachkommen Josefs nicht mehr uebrig: "Die Kinder aber, die du nach ihnen erzeugt hast, sollen dir angehoeren. (Ebda. 6).

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[37] *Δὰν καὶ Γὰδ καὶ Νεφθαλὶμ καὶ 'Ασὴρ οὐκ εἰσίν ἀδελφοί μου, ἀλλὰ τέκνα τῶν παιδισκῶν του πατρὸς. ἀνα μένω οὖν τὸν θὰνατον τοῦ πατρὸς μου καὶ ἐκτόιψω αὐτοὺς ἐκ γῆs καὶ πᾶσαν τὴν γενεὰν αὐτῶν, μήποτε κληρονομή σουσι μεθ' ἡμῶν, ὅτι τέκνα παιδισκῶν εἰσίν. οὗτοι γάρ με καὶ πεπράκασι τοῖs 'Ισμαηλίταιs.*
Προσευχη 'Ασενέθ, ed. Batifol: *Studia Patristica*, 1–2, S, 76. Ueber den juedischen Ursprung und das Alter dieses Apokryphons vgl. Aptowitzer, *Hebrew Union College Annual*, I, 260–306.

[37a] Ueber Volks- und Kunstsage in der Agada vgl. Aptowitzer, *Kain und Abel*, S. 80 ff.

Es ist hier noch folgende Agada anzufuehren: "Bilha und Silpa waren die Toechter Labans von seinen Kebsweibern. Dies lehrt dich, dass die Kinder eines Mannes von seinem Kebsweibe Sklaven genannt werden, da ja Bilha und Silpa die Sklavinnen Labans waren."[38]

Die talmudische Erklaerung, dass Amnon deshalb seine Halbschwester Thamar heiraten durfte, weil sie die Tochter einer Kriegsgefangnen war, haben wir oben erwaehnt.

Die Frage der *Mischkinder* wird auch bei *Hammurapi* behandelt. Im Falle der unfreien *Mutter* ist das Kind nicht ganz Freikind und nicht ganz Sklave.[39] Im Falle aber, wo der Vater ein Unfreier ist, stimmt der Kodex Hammurapis genau mit der rezipierten Halacha ueberein:

"Wenn, nachdem ein Palastsklave oder ein Armenstiftssklave die Tochter eines (freien)Mannes geheiratet hat, diese Kinder gebiert, wird der Besitzer des Sklaven gegen die Kinder der Freien den Anspruch auf Sklavenschaft nicht erheben.[40]"

Eine praktische Anwendung der Halacha betreffend die Kinder eines Israeliten von einer Nichtisraelitin ist die Ausscheidung der Kinder der fremden Frauen zur Zeit Esras.

"So lasst uns jetzt unserem Gotte feierlich geloben, alle Weiber und was von ihnen geboren ist, kraft der Entschliessung meines Herrn und derer, die vor dem Gesetz unseres Gottes Ehrfurcht haben, fortzuschaffen, und nach dem Gesetze soll verfahren werden." (Esra, 10, 3). "Alle diese hatten fremde Frauen heimgefuehrt und entliessen sie samt den *Kindern*." (III Esra, 9, 36 = Esra, 10, 44.) Es gibt zwar eine Ansicht, dass jene Frauen Proselitinnen waren, sodass die Massregel Esras und Nehemias nichtgesetzlich und bloss aus nationaler Rigorositaet erfolgt war.[41] Aber diese Ansicht ist entschieden falsch.[42]

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[38] לקח לבן את שתי שפחותיו ונתנן לשתי בנותיו וכי שפחותיו היו והלא בנותיו היו, אלא ללמדך שבניו של אדם מפלגשו נקראו שפחות שנאמר (בראשית כ"ט כ"ט) ויתן לבן לרחל בתו. Pirḳe R. Elieser, Kap. 36. Die Quelle Gen. r. 74, 13: הבנות בנותי והבנים בני אמר רבי אבין כולהון בנותיו היו.

[39] Hammurapi §§170, 171. 170 vgl. oben S., 171, vgl. Exkurs I, B.

[40] Hammurapi, §175, Mueller a. a. O., S. 48.

[41–42] Vgl. Exkurs I, A. (im nächsten Bande des Annual).

Die Rechtssatzung betreffend die Kinder einer Nichtisraelitin oder Unfreien von einem Israeliten gelangte zu einer gewissen historischen Bedeutung im Falle des Exilarchen *Bostonai*, und seiner Kinder von der kriegsgefangenen persischen Koenigstochter Isdadwar. Die Soehne Bostonais von seinen juedischen Frauen behandelten die Soehne der Isdadwar als Sklaven. Der Streit darueber zog sich durch die ganze gaonaeische Epoche hindurch.[43] Fuer die Soehne Bostonais sprach die strikte Halacha,[44] die Politik aber entschied zu Gunsten ihrer juedisch-persischen Halbbrueder.[45]

(c) Mit der Bestimmung betreffend die Kinder einer Israelitin von einem Nichtisraeliten oder Unfreien ist die Halacha verwandt, dass *Proselyten*, die zu keiner Art von Vorstehung zugelassen werden duerfen,[46] *amtsfaehig werden, wenn sie muetterlicherseits von Juden abstammen.*[47]

Diese Halacha hat eine historisch-politische Vergangenheit und scheint ueberhaupt erst in der Politik geboren worden zu sein, wie aus dem Bericht ueber die Thoravorlesung des Koenigs Agrippa deutlich hervorgeht. Als der Koenig zu dem Satz kam: "Du darfst keinen Fremden ueber dich (zum Koenig) einsetzen" (Deut. 17, 15), da rannen Traenen aus seinen Augen. Die Gelehrten riefen ihm zu: Fuerchte nicht, Agrippa. Du bist unser Bruder.[48] Dieses Zurufes wegen wurden die Pharisaeer von ihren spaeteren Kollegen heftig getadelt: "In jener Zeit ist ueber unsere Vorfahren die Strafe des Exils verhaengt worden, weil sie Agrippa gegenueber geheuchelt haben."[49] Dieser Tadel und noch mehr die Traenen des Agrippa beweisen, dass der herrschenden Anschauung nach und gemaess dem Gesetze die Herodaeer tatsaechlich amtsunfaehig waren, trotz ihrer juedischen Abstammung muetterlicherseits, die im Patriarchat wertlos sein muss. Aber die Politik rief

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[43–45] Vgl. Exkurs I, B. (ibid).

[46–47] Jeb. 45b, 102a, Ḳidd. 76b. Vgl. Midrasch Tanaim, ed. Hoffmann, S. 104.

[48] Mischnah Soṭah 41a: וכשהגיע ללא תוכל לתת עליך איש נכרי זלגו עיניו דמעות אמרו לו אל תתירא אגריפס אחינו אתה אחינו אתה. Vgl. Sifre Deut. §157.

[49] Tosefta Sotah VII, 16: משום ר' נתן אמרו נתחייבו ישראל כלייה שחינפו לו לאגריפס. Sotah 41b., Midrasch Tanaim, ed. Hoffmann, S. 104: מאותה שעה נחתם גזר דין על אבותינו לגלות מפני שחינפו.

das Matriarchat zu Hilfe, um die Regierungsfaehigkeit der Idumaeerstaemmlinge zu retten. Die Politik wurde spaeter zur Halacha.

Wie die Bestimmung betreffs der *Mischkinder* eines juedischen *Vaters* in der Urgeschichte Israels wurzelt, so hat auch die Satzung, dass *Mischkinder* bei *juedischer Mutter* Juden sind, ihr Vorbild in uralter Zeit. In der Bibel werden zwei solcher Faelle erwaehnt.

(1) "Und der Sohn einer Israelitin—er stammte aber von einem aegyptischen Manne ging aus mitten unter die Israeliten; da gerieten sie im Lager in Streit. Da laesterte der Sohn der Israelitin den Namen und fluchte; da brachten sie ihn zu Mose. Seine Mutter aber hiess Salomith, die Tochter Dibris, vom Stamme Dan." (Lev. 24, 10–12).

Der Sohn der israelitischen Mutter von einem aegyptischen Vater ist also der *Sohn der Israelitin.*

(2) Von *Hiram aus Tyrus*, der den Tempel Salomos kuenstlerisch ausstaltete, heisst es: "Dieser war der Sohn einer *Witwe aus dem Stamme Naftali, sein Vater aber ein Tyrier*" (I Reg. 7, 41), und in der Parallelstelle: "Der Sohn einer *Frau aus den Toechtern* Dans, sein Vater aber ein Tyrier (II Chr. 2, 13.) Kombiniert man diese beiden Angaben, so erhaelt man fuer die Genealogie Hirams: seine Mutter war eine von einer Elternseite aus Naftali stammende Danitin, die einen Tyrier geheiratet hat. *Hiram war also der Sohn einer Israelitin und eines Nichtisraeliten und seine Verwandschaft richtet sich nach seiner Mutter.*

In der Agada heisst es zwar, dass Hirams Vater ein Naftalide war,[50] aber diese Behauptung verstoesst so sehr gegen den Wortlaut und den natuerlichen Sinn der wiederholten Angabe der Bibel dass hoechstwahrscheinlich in der betreffenden Agadastelle "Vater" kurze Ausdrucksweise und Assoziation an "Mutter" ist und gemeint sei: *Vater seiner Mutter.* So in der Tat mit einer gewissen Ostentation das *Targum* zur Chronik: Sohn eines Weibes von den Toechtern Dans. Der Vater *des Weibes* war vom Stamme Naftali;

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[50] Tanchuma כי תשא, §13. Vgl. Ex. r. 40 Ende; Pes. r., Kap. 6 Ende. Vgl. Erachin 16b und Tos. v. הכי und R. Gerschon z. St.

sie verheiratete sich an einen Mann aus Tyrus, so dass der Vater Hirams ein Tyrier war.[51]

Wenn aber das Targum die tyrische Nationalitaet des Vaters Hirams betont, ohne zu bemerken, dass er ein Proselyt war, so ist es gewiss, dass dies nicht vorausgesetzt wurde. Und mit Recht. Denn dort, wo dies der Fall ist, hebt es die Bibel selbst hervor.[52]

Auf der Anschauung, dass der Sohn einer Israelitin und eines Nichtisraeliten Israelit ist beruht folgende Agada:

Auf die Frage, wie es kam, dass Aseneth, die Aegypterin, aus dem Geschlechte des fluchbeladenen Ham gewuerdigt wurde, Mutter zweier Staemme in Israel zu werden, gibt es in der Agada verschiedene Antworten, von denen die geläufigste die ist, *dass Aseneth die Tochter Dinas von Sichem war.*[53] Das sagt also, dass Aseneth durch diese ihre Abstammung zur Familie Jakobs gehoerte.

Aus dem Gebiete des Connubiums sind hier noch folgende Bestimmungen anzufuehren, in denen das Kind dem Stande der Mutter folgt:

(1) Das Kind eines Mannes und einer Sklavin ist Sklave. So die rezipierte Ansicht R. Tarphons. Nach anderer Meinung hat das Kind den Charakter eines Sklaven, der auch Mamser ist.[54] Also selbst nach dieser Ansicht geht der Sklave voran.

(2) Das Kind eines aegyptischen Proselyten zweiten Geschlechtes (Sohn eines aegyptischen Proselyten) und einer aegyptischen Proselytin ist Proselyt zweiten Geschlechtes. Das Kind wird seiner Mutter "nachgeworfen," die im ersten Geschlecht ist, daher es selbst im zweiten.[55]

Die Tochter eines Proselyten und einer Israelitin ist fuer das Connubium mit Priestern zulaessig. Im allgemeinen gilt es: Toechter von Proselyten oder freigelassenen Sklaven, selbst im zehnten

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[51] בר אחתא מבנת דן ואבוהא דאחתא משבט נפתלי ואתסיבת לגבר דמן צור ואבוהי דחירם צוראה.

[52] II Sam. 1, 13. Vgl. RAbD zu Sifra אמור, Parascha 14.

[53] Pirḳe R. Elieser, Kap. 38; Mid. Agada, ed. Buber, I, 97; Bachja zu Gen. 41, 45. Vgl. ausfuehrlich darueber Aptowitzer, "Asenath, the Wife of Joseph" (*Hebrew Union College Annual*, I, 1924, S. 239 ff).

[54] Mischnah Ḳidd. 69a. Vgl. Jeb. 78a.

[55] Jeb. 78a. מצרי שני שנשא מצרית ראשונה בנה שני הוא אלמא בתר אימיה שדינן ליה.

Geschlecht, sind nur dann zur Priesterheirat zulaessig, wenn ihre (Stamm-) mutter eine Israelitin ist.[56]

Aus den Ehevorschriften ist noch folgendes zu erwaehnen:

Aus dem Mutterrecht stammt die Zeitehe, die bei den alten Arabern gelaeufig war und auch vom Islam nicht ganz verdraengt werden konnte, so dass sie noch heute bei den Schiiten besteht, *Mota*[56a] Auch im Talmud ist von der Zeitehe die Rede. Sie wird im allgemeinen verboten und nur unter besonderen Bedingungen gestattet. Aber das Verbot etwa aus dem Anfange des zweiten Jahrhunderts—zeigt, dass noch solche Ehen vorzukommen pflegten. Das Verbot stammt aus Palaestina, dagegen scheint die Zeitehe in Babylonien noch viel spaeter nicht selten gewesen zu sein.[56b]

Auch im Erbrecht sind Spuren des Matriarchats vorhanden, wobei sich deutlich eine Entwicklung zum Patriarchat zeigt. Um aber dies deutlich zu machen, muss folgende kurze Bemerkung vorausgeschickt werden:

Die Zuruecksetzung der Frau im Erbrecht erklaert sich daraus, dass die Frau es nicht noetig hatte Vermoegen zu besizzen—und auch keines besitzen konnte. Als Maedchen wurde sie von ihrem Manne in die Ehe gekauft,[57] sie wurde sein Eigentum und konnte keinen selbststaendigen Besitz erwerben. Die Sorge fuer die Erhaltung des Hauses trug der Mann, die Frau hatte sich nur mit der Erziehung der Kinder abzugeben. Sie hatte keinen Besitz und brauchte auch keinen. So im Patriarchat. Daraus ergibt sich fuer das Mutterrecht, wo die Frau das Haupt der Familie und Vorsteherin des Hauses war, die auch fuer den Unterhalt der Kinder zu sorgen hatte, die Bevorzugung der Frau im Erbrecht. Folglich gehen alle Beguenstigungen der Frau im Erbrecht auf das Matriarchat zurueck. Solche Beguenstigungen finden sich auch im juedischen Erbrecht.

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[56] Mischnah Ḳidd. 77a: ר' אליעזר בר יעקב אומר ישראל שנשא גיורת בתו כשרה לכהונה וגר שנשא בת ישראל בתו כשרה לכהונה אבל גר שנשא גיורת בתו פסולה לכהונה אחד גר ואחד עבדים משוחררים אפילו עד עשרה דורות עד שתהא אמו מישראל.

[56a] Vgl. Wilken, *Das Matriarchat bei den alten Arabern*, S. 10–21, Kohler, *Kultur der Gegenwart* II, VII, 1. S. 90.

[56b] Vgl. Joma 18b, Jeb. 37b, Mischneh Torah, Issure Biah, XXI, 29.

[57] Vgl. Exkurs IV (im nächsten Bande des Annual).

(a) *Die Mutter beerbt ihren Sohn*: R. Jochanan sagt im Namen des R. Jehuda b. R. Simon: Nach der biblischen Vorschrift beerbt die Mutter ihren Sohn, denn es steht: (Num. 36, 8) "jede Tochter, welche einen Erbbesitz erbt aus den Staemmen Israels," der Stamm (die Familie) der Mutter ist also analog zu behandeln wie die Familie des Vaters. Wie also der Vater seinen Sohn beerbt, so auch die Mutter ihren Sohn. R. Jochanan wendet gegen R. Jehuda b. Simon ein mit einem Hinweis auf die Mischna, wo es heisst: "Die Mutter vererbt ihrem Sohne, die Frau ihrem Manne, die Mutterbrueder vererben ihren Neffen, sie beerben sie aber nicht".[58] Er antwortete: ich weiss nicht, wer unsere Mischna tradiert hat.[59]

Die Ansicht des R. Jehuda b. Simon hat bei den Karaeern Geltung:

"Wie der Vater bei der Beerbung seiner Kinder den Vorrang hat vor *der Mutter*, so hat auch die Mutter den Vorrang vor den uebrigen Verwandten (muetterlicherseits), wie Na'ami ihre Soehne beerbt hat und sie den Erben vererbt hat.[60]"

Diese Ansicht finden wir auch bei *Philo*.

"Es soll aber auch die Frage nicht uebergangen werden, die manche aufgeworfen haben: weswegen hat das Gesetz, sagen sie, das alle Verwandten, Geschlechts- und Stammesgenossen bei der Festsetzung der Erbfolge anfuehrt, nur die *Eltern* uebergangen, die doch, wie sie beerbt werden, auch den Besitz ihrer Kinder erben sollten? Nun, mein Bester, weil das Gesetz eben goettlich ist und weil es den natuerlichen Lauf der Dinge stets im Auge behaelt, wollte es auch in seinen Vorschriften keinen Misston zulassen. Denn der hoechste Wunsch der Eltern ist ja, ihre Kinder lebend zurueckzulassen, damit sie ihren Namen, ihr Geschlecht und ihr Vermoegen erben; das entgegengesetzte Schicksal, dass Soehne und Toechter vor den Erzeugern sterben, fluchen nur Totfeinde ueber sie herab. Um nun durch seine Vorschrift in die wohllautende Harmonie, die im ganzen Weltall waltet, keinen Misston und Misslaut hineinzubringen, wenn vom Tode der Kinder bei Lebzeiten der *Eltern* (die Rede waere), hat das Gesetz in berechtigter und angemessener Weise nicht ausdruecklich verordnet, dass *Muetter* und Vaeter den Besitz der Soehne und *Toechter* erben sollen, weil ein solcher Fall mit dem Leben und dem Naturlauf nicht in Einklang stehe.[61]"

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[58] Mischnah B. Batra 108a.

[59] B. Batra 114b: אמר ר׳ יוחנן משום ר׳ יהודה בן ר׳ שמעון דבר תורה האב יורש את בנו והאשה יורשת את בנה שנאמר מטות מקיש מטה האם למטה האב מה מטה האב אב יורש את בנו אף מטה האם אשה יורשת את בנה. איתיביה ר׳ יוחנן לרבי יהודה בן שמעון האשה את בנה והאשה את בעלה ואחי האב מנחילין ולא נוחלין. אמר ליה משנתנו איני יודע מי שנאה.

[60] כאשר האב קודם לרשת בניו ולקחת נחלתם ולהנחילם מהאם: כן האם קודמת מכל שאר כאשר נעמי ירשה את בניה והנחילתהו לירש תורת ה׳.

Jehuda Hadassi, *Eschkol ha-Kofer*, A Ḇ 252, 255, 97a. Vgl. noch 96a, 98a.

(b) *Materna*: R. Elasar, der Sohn des R. Jose, sagt im Namen des R. Zacharja b. Haḳḳaṣṣab, und so hat auch R. Jehuda aus Kephar Akko gesagt im Namen des R. Simon: "Sohn und Tochter sind gleich in Bezug auf das Vermoegen der Mutter.[62]"

(c) *Erbrecht der Tochter*: "R. Jehuda im Namen von Rab sagt: Wer da behauptet, die Tochter (des Erblassers) beerbt ihn neben der Tochter (des verstorbenen) Sohnes, mag er auch ein Fuerst in Israel sein, gehorcht man ihm nicht; denn dies ist sadduzaeische Rechtspraxis. Es heisst namlich in der Fastenrolle: Am 24. des Monat Tebeth kehrten wir zu unserer Rechtspraxis zurueck, denn die Sadduzaeer behaupteten, dass die Tochter mit der Enkelin (Tochter des Sohnes) gleichmaessig erbe. Da trat ihnen R. Jochanan b. Zakkai entgegen und sprach zu ihnen: 'Ihr Toren, woher wisst ihr dies?' Niemand konnte es ihm erklaeren, bis sich ein Greis erhob und ihn abfuhr und sprach: Wenn ihn die Enkelin, die ihr Recht von seinem Sohne herleitet, beerbt, wie sollte ihn seine Tochter, die direkt ihr Recht auf ihn zurueckleitet, nicht beerben?[63]"

Hier behaupten zwar die Sadduzaeer bloss, dass die Tochter mit der Sohnestochter zugleich erbt, man gewinnt aber den Eindruck, dass sie von den Pharisaeern wenigstens diese Konzession erlangen wollten, sie selbst aber auch neben dem Sohne der Tochter ein volles Erbrecht zugesprochen[64]—wie die Juden *Alexandriens*. So heisst es bei *Philo*:

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[61] Philo, *De spec. Leg.*, II, §16. (ed. Cohn V, S. 116, §129 ff. Deutsch von Heinemann in *Schriften der juedisch-hellenistischen Literatur*, ed. Cohn, II, S. 142).

[62] Tosefta B. Batra VII, 10 (408, 10): ר' אלעזר ברבי יוסי אומר משום רבי זכריה בן הקצב וכן היה רבי שמעון בן יהודה איש כְפר עכו אומר משום רבי שמעון אחד הבן ואחד הבת שוין בנכסי האב. Vgl. B. Batra 111a, 115a, Jerusch. das. VIII, 1, 16a.

[63] B. Batra 115b: אמר רב הונא אמר רב כל האומר תירש בת עם בת הבן אפילו נשיא בישראל אין שומעין לו שאינו אלא מעשה צדוקים דתניא בארבעה ועשרים בטבת תבנא לדיננא שהיו צדוקים אומרים תירש הבת עם בת הבן נטפל להם ר' יוחנן בן זכאי אמר להם שוטים מנין זה לכם ולא היה אדם שהחזירו דבר חוץ מזקן אחד שהיה מפטפט כנגדו ואומר ומה בת בנו הבאה מכח בנו תירשנו בת הבאה מכחו לא כל שכן. Vgl. Tosefta Jadaim IV, 20. Jerusch. B. Batra VII, 1 16a oben, und Megillat Ta'anit, Kap. 5.

"Befinden sich aber unter den Hinterbliebenen unversorgte Toechter, fuer welche die Eltern bei Lebzeiten keine Mitgift ausgesetzt hatten, so sollen sie gleiches Erbrecht haben, wie die Soehne."[65]

(d) In bezug auf das Gebot Kinder zu zeugen (פריה ורביה) gilt allgemein der Grundsatz, dass Kindeskinder als Kinder gelten.[66] Es gibt aber eine Meinungsverschiedenheit darueber, ob auch Kinder der *Tochter* in jenem Satz inbegriffen sind. Die aeltere Ansicht meint: Nur Sohneskinder und nicht Tochterkinder sind als eigene Kinder anzusehen.[67] Waehrend es fuer die juengere Auffassung selstverstaendlich ist, dass auch Kinder der Tochter dem Vater als eigen gerechnet werden.[68]

Aber gerade diese juengere Auffassung erweist sich als eine uralte Anschauung:

"Bei fast allen agnatischen Voelkern so auch bei den Indern, hat man Sorge getragen fuer den Fall, dass kein Sohn, sondern nur Toechter vorhanden sind. Der Gedanke war der, dass man die Familie trotzdem fortsetzte, indem man hier einen Schritt zum Mutterrecht zurueckmachte:

Der Sohn der Tochter galt als Sohn des Hauses und ging nicht, wie es dem Vaterrecht entspraeche, in das Haus ihres Mannes ueber.[69]"

Dieser Auffassung folgt die Agada.

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[64] Vgl. Exkurs V (im nächsten Bande des Annual).

[65] Philo, *De spec. Leg.*, II, 16. (ed. Cohn, V, §125, S. 116. Deutsch von Heinemann in *Schriften der juedisch-hellenistischen Literatur*, ed. Cohn, II, S. 140).

[66] בני בנים הרי הם כבנים, Tosefta Jebamot VIII, 4, Jebamot 62b, 70a, Ḳidd. 4a.

[67] Jerusch, Jeb. VI, 6, 7c. Gen. r. 94, 6. Vgl. Sotah 49a, die Erzaehlung von R. Achai und seinen Tochtersoehnen.

[68] Jeb. 62b, Pirḳe R. Elieser, Kap. 36.

[69] Kohler, a. a. O., S. 108.

III. Agada.

(1) Es wird behauptet, dass der Stamm Levi an der Suende des goldenen Kalbes nicht beteiligt war. Dagegen wird Deut. 33, 9 geltend gemacht, wo es von Levi heisst: "Der von Vater und Mutter sprach: Ich sah sie nicht; seine Brueder nicht anerkannte und nicht wissen wollte von seinen Kindern." Also hatten die Raecher aus dem Stamme Levi ihre naechsten Verwandten fuer die Anbetung des Kalbes zu bestrafen. Jawohl, lautet die Antwort, aber die Verwandtschaft war bloss von Seiten der Mutter: Vater—Vater der Mutter, von Israel, d. i. von den anderen Staemmen ausser Levi; Mutter—von Israel; Brueder—Halbbrueder von israelitischem Vater.[70]

(2) "Und Eleasar, der Sohn Ahrons, nahm von den Toechtern Putiels sich eine Frau und sie gebar ihm Pinchas." (Ex. 6, 25). Darueber werden in der Agada zwei Deutungen ueberliefert: Nach der einen ist Putiel ein Beiname Jethros, der Kaelber fuer die Goetzen gemaestet, nach der anderen ist Putiel Josef, der seinen boesen Trieb verspottet hat. Im Talmud werden diese zwei Deutungen einander gegenuebergestellt und der Widerspruch in der Weise geloest, dass von den Eltern der Frau Eleasars der eine Teil von Josef, der andere Teil von Jethro stammte.[71] Vater von Josef, Mutter von Jethro, oder umgekehrt. Also die Nachkommen Josefs oder Jethros von seinen Toechtern werden nach ihm benannt.

(3) "Welcher Lohn wurde den Rechabiten, den Nachkommen Jethros, fuer ihren Anschluss an Israel und die Thora zuteil?" Zur Familie der Rechabiten aber sprach Jeremia: "So spricht Gott, der Herr der Herrscharen, der Gott Israels: Weil ihr dem Befehle Jonadabs, eueres Ahnherrn, gehorsam wart und alle seine Befehle beobachtet und gemaess alledem gehandelt habt, was er euch befohlen hatte, darum spricht Gott, der Herr der Heerscharen, der Gott Israels, also: Es soll Jonadab, dem Sohne Rechabs, nie an einem Nachkommen fehlen, der als mein Diener

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[70] Joma 66b: אמר רב יהודה שבטו של לוי לא עבד עבודה זרה שנאמר (שמות ל״ב כ״ו) ויעמוד משה בשער המחנה וגו׳ יתיב רבינא וקאמר להא שמעתא איתביה רב פפא בר אבא לרבינא האומר לאביו ולאמו לא ראיתיו, אביו אבי אמו מישראל אחיו אחיו מאמו מישראל בניו ובני בתו מישראל.

[71] אי אבוה דאימיה מיוסף אימיה דאימיה מיתרו. Sotah 43a, B. Batra 109b.

vor mir stehe." (Jer. 35, 18ff.) Koennen denn Proselyten in den Tempel hineinkommen, war doch der Eintritt in den Tempel auch den Israeliten verboten? R. Josua meint: sie sassen im Synhedrion und lehrten die Thora. Andere aber erklaeren: Ihre Toechter wurden an Priester verheiratet, so dass ihre Nachkommen auf dem Altar geopfert haben.[72] Also die Nachkommen der *Rechabitentoechter* werden als Nachkommen der Rechabiten bezeichnet. Deutliches Mutterrecht.

(4) Die Mutter Hirams, des Kuenstlers des salomonischen Tempels, ist in I Reg. 7, 14 "vom Stamme Naphtali" und in II Chr. 2, 13 "von den Toechtern Dans." Darauf beruft sich die Agada, um nachzuweisen, dass wie beim Baue des Heiligtums in der Wueste, so auch beim Baue des salomonischen Tempels Angehoerige des Stammes Dan beschaeftigt waren.[73]

(5) Zu Ruth, die sich Israel und seinem Gotte angeschlossen, sprach Gott: "Du hast nichts verloren, denn dein ist das Koenigtum in dieser Welt, dein ist das Koenigtum in der zukuenftigen Welt.[74] Das Koenigtum Davids wird also der Ruth angerechnet.

(6) Ebenso heisst es, dass von *Rachab* acht priesterliche Propheten abstammten.[75] Die Abstammung richtet sich also nach der Mutter.

(7) Die Hebammen, die entgegen dem Gebote Pharaos die neugeborenen Kinder Israels schonten und am Leben liessen,

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[72] Sifre Num. §78. מה שכר נטלו על כך, ולבית הרכבים אמר ירמיה כה אמר ה' צבאות אלהי ישראל יען אשר שמעתם אל מצות יהונדב אביכם לא יכרת איש ליונדב בן רכב עומד לפני כל הימים. ר' יהושע אומר וכי גרים נכנסים להיכל והלא כל ישראל לא נכנסו להיכל, אלא שהיו יושבין בסנהדרין ומורים בדברי תורה, וי"א מבנותיהם נשואות לכהנים והיו מבני בניהם מקריבים על גבי המזבח. Sifre zuṭṭa, ed. Horowitz (Leipzig 1917) S. 263, fehlt die zweite Ansicht.

[73] המשכן נעשה בשני שבטים אלו (יהודה ודן) ואף בהמ"ק כן עשוהו שלמה מיהודה וחירם מדן שנאמר בן אשה אלמנה הוא ממטה נפתלי (מלכים א' ז' י"ד) ובדברי הימים כתיב בן עשה מן בנות דן (דב"י ב' ב' י"ג) Tan. כי תשא, §13, Ex. r. XL Ende, Pes. r. VI, Ende.

[74] Sifre Num. §78: הרי המלכות שלך בעולם הזה הרי המלכות שלך בעולם הבא.

Aehnliches in bezug auf Thamar: Wegen ihrer Froemmigkeit wurde sie gewuerdigt, dass aus ihr Propheten (Jesaja) erstanden sind. Sotah 10b, Gen. r. 85.

[75] שמנה כהנים ושמנה נביאים עמדו מרחב. Sifre, a. a. O.; Sifre zuṭṭa, ed. Horowitz (Leipzig 1917), S. 263; Megilla 14b.

waren Jochebed und Mirjam. Ihr Lohn war, dass Gott ihnen Haeuser errichtete (Ex. 1, 21), das Haus des Priestertums und das Haus des Koenigtums. Priestertum—Ahron; Koenigtum—Moses, wie es heisst (Deut. 33, 15): "Und er war in Jeshurun Koenig." Dies war der Lohn Jochebeds. Miriam aber wurde mit Weisheit belohnt, indem von ihr Bezalel abstammte, der mit dem Geiste Gottes Weisheit, Einsicht und Erkenntnis erfuellt war. (Ex. 31, 1; 35, 30)[76]

(8) Die gottesfuerchtigen Hebammen waren Jochebed und Miriam, Gott errichtete ihnen Häuser, Koenigtum und Priestertum—Priestertum—Ahron; Koenigtum—Miriam, von der David abstammte.[77]

Die Nachkommen werden also der Mutter angerechnet.

(9) Wer eine Frau heiraten will, der erkundige sich ueber ihre Brueder. Denn die meisten Kinder geraten dem Oheim muetterlicherseits nach.[78]

Diese Anschauung finden wir auch bei den Arabern, bei denen in vormuhammedanischer Zeit das Mutterrecht gegolten.

Bei den Arabern spielt die Chalschaft eine grosse Rolle: Der Chal d. i. der Oheim muetterlicherseits ist fuer die geistige Beschaffenheit seiner Schwesterkinder verantwortlich. "Wenn jemand sittlich zugrunde geht, gehoert er zu zwei Drittel seinem Chal.[79]" Wilken bespricht das Thema ausfuehrlich und fasst dann seine Ausfuehrungen wie folgt zusammen:

"Die angefuehrten Beispiele stellen den Glauben an ein geistiges Verhaeltnis zwischen jemandem und seinem chāl ins deutlichste Licht. Dies laesst sich nun sehr gut als ein Ueberbleibsel aus der Zeit erklaeren, wo die Abstammung noch in der weiblichen Linie zurueckverfolgt wurde, der Vater also nicht mit seinen Kindern verwandt angesehen wurde und der Onkel muetterlicherseits die Person war, welche in naechster Beziehung zu den Kindern stand. Bei einer derartigen Organisation der Familie muss sich wohl die Meinung gebildet haben, dass der Charakter des Mannes sich nicht auf die eigenen Kinder vererbe, sondern auf die Schwesterkinder."[80]

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[76] Tan.ויקהל, §4 (ed. Buber §5), Ex. r. 48, 4.

[77] Sifre Num. §78, Sotah 11b, Ex. r. 1, 13, 17. Pirḳe R. Elieser, Kap. 45.

[78] B. Batra 110a. הנושא אשה צריך שיבדוק באחיה וכו' תנא רוב בנים דומים לאחי האם Jerusch. Ḳidd. Ende, Ex. r. 7, Ende, Soferim, 15 Ende.

[79] Wilken, *Das Matriarchat bei den alten Arabern*, S. 45.

Auch bei andern Voelkern spielt das Avunculat eine bedeutende Rolle:

"Beim Mutterrecht steht das Kind in Beziehung zur Mutter und zur ganzen Familiengruppe, der die Mutter angehoert. Die Maenner, zu denen es emporschaut, sind nicht die Vaeter, sondern die Brueder der Mutter, die avunculi, und das Verhaeltnis zwischen avunculus und Neffe ist der innigste Verband zwischen dem Kinde und einem Manne. Die Innigkeit besteht vielfach nach Entwicklung des Vaterrechts noch weiter; so dass der avunculus neben dem Vater in der Familie viel zu sagen hat und insbesondere die Versorgung des Kindes mituebernimmt.[81]"

(10) Aus dieser Anschauung erklaert sich wohl das grosse Gewicht, das auf die Heirat mit der Schwestertochter gelegt wird. Wer die Tochter seiner Schwester heiratet, auf den bezieht sich der Bibelvers (Jes. 58, 9): "Alsdann wirst du rufen, und der Ewige wird antworten, wirst um Hilfe schreien, und er wird sprechen, hier bin ich.[82]"

Den Zusammenhang zwischen der Empfehlung der Nichtenehe mit dem in No. 9 behandelten Ausspruch R. Elasars betont schon *R. Tam.*[83]

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[80] Wilken, a. a. O., S. 48.

[81] Kohler a. a. O., S. 19, vgl. noch das. 20 f. Bei den patriarchalischen Voelkern ist die vaeterliche Stellung des Mutterbruders sehr verbreitet: "Sie zeigt sich namentlich darin, dass ihm bei der Eheschliessung der Neffen ein entscheidendes Wort gebuehrt, *dass er einen Teil des Frauenpreises der Nichte bekommt.*"

[82] Jeb. 62b, Synhed. 76b: והנושא את בת אחותו עליו הכתוב אומר אז תקרא וה' יענה תשוע ויאמר הנני.

[83] Tos. Jeb. z. St., v. והנושא, und ibid. 99a v. ספק. Besonders deutlich und ausfuehrlich bei *Meiri*. Nachdem er die Erklaerung Raschis angefuehrt, bemerkt er: "Mir aber scheint es, dass hier im allgemeinen die Vereinigung mit Verwandten empfohlen wird, weil ihre Charaktere gleich sind und dadurch mehr Liebe zwischen ihnen vorhanden ist—wegen der Gleichheit der Charaktere. Es wird aber die Schwestertochter besonders hervorgehoben, weil sie ihm (ihrem Onkel) in bezug auf Charaktere naeher steht, als die anderen Verwandten, wie es heisst: Die meisten Kinder geraten dem Bruder der Mutter nach."
ולי נראה שדרך כלל הוא משבח זווג הקרובות, מפני שטבען שוה ואהבתן מצויה ביניהם מתוך
שווי הטבעית, ונקט בת אחותו מפני שהיא שוה לו בטבע יותר מכולן וכמ"ש רוב הבנים דומים לאחי

Raschi[84] erklaert, dass die Anhaenglichkeit an die Schwester die Liebe zu ihrer Tochter steigert. R. Samuel b. Meir und R. Juda b. Nathan meinen,[85] dass auch die Brudertochter in der Empfehlung inbegriffen ist. Aber der Wortlaut, in dem nur die Schwestertochter hervorgehoben wird spricht fuer die Erklaerung R. Tams. Die Gruende, die R. S. b. Meir und R. J. b. Nathan fuer die Erwaehnung bloss der Schwestertochter anfuehren, sind nicht sehr einleuchtend.

Ginzberg[86] meint, die Empfehlung der Nichtenehe seitens der Pharisaeer sei eine Demonstration gegen eine diese Ehe verbietende Ansicht. Aber gegen diese Auffassung spricht folgende Erwaegung: Vom ehegesetzlichen Standpunkt aus ist kein Unterschied zwischen Brudertochter und Schwestertochter, die Ehe mit beiden ist erlaubt oder unzulaessig. In der Tat sehen wir, dass die, welche die Nichtenehe verbieten, Samaritaner, Sadduzaeer, Karaeer und andere Sekten[87] keinen Unterschied machen zwischen Brudertochter und Schwestertochter.

Als Demonstration gegen die sadduzaeische Opposition haetten nun die Pharisaeer auch die Heirat mit der *Brudertochter* ausdruecklich als gottgefaellige Handlung bezeichnen muessen. Da sie aber nur die Heirat mit der Schwestertochter empfehlen, so darf der Grund fuer die Empfehlung solcher Ehen nicht in Dogmatik und Parteipolitik gesucht werden.

Einen direkten Beweis aber gegen die Annahme parteipolitischer Polemik bei der Empfehlung der Nichtenehe im Talmud ist der Zusammenhang, indem sie vorkommt. Neben ihr und in Beziehung auf denselben Jesajavers werden als gottesgefaellige Werke bezeichnet: Anhaenglichkeit an die Nachbarn, Foerderung der Verwandten und Gewaehrung von Darlehen an Bedraengte.

האם. בית הבחירה, Der Kommentar des R. Menachem b. Salomo aus Perpignan, ed. Albeck, S. 235.

[84] Jeb. 62b.

[85] Toss. Jeb., a. a. O. So auch Mischneh Thora, Issure Biah, II, 14. Vgl. Maggid Mischneh z. St.

[86] Ginzberg, *M. G. W. J.*, 1911, S. 696.

[87] Vgl. darueber Aptowitzer, "Juedisches in syrischen Rechtsbuechern," S. 4 f. (*Scripta Universitatis atque Bibliothaecae Hierosolymitanorum.* Orientalia et Judaica, I, V, Jerusalem 1923.); Aptowitzer, *Hebrew Union College Annual*, I, 250.

Und unmittelbar vorher wird die Bibelstelle Job, 5, 24 "Und so wirst du erfahren, dass Wohlbehalten dein Zelt" bezogen: auf den, der seine Frau so liebt, wie sich selbst und sie ehrt mehr als sich selbst, seine Kinder zu gutem Lebenswandel anleitet und sie rechtzeitig verheiratet.[88] Diese Handlungen alle sind sozialethischen Charakters; folglich koennen auch fuer die Empfehlung der Nichtenehe nur soziale und ethische Motive massgebend gewesen sein.

Ich bemerke jetzt, dass schon vor Ginzberg Poznanski die Vermutung ausgesprochen hat,[89] die Empfehlung der Nichtenehe im Talmud sei als Opposition gegen die diese Ehe verbietende Ansicht erfolgt und dass Buechler gegen diese Vermutung die hier angefuehrten Gruende geltend gemacht.[90] Umso auffallender ist es, dass Buechler in einer spaeteren Arbeit[91] erklaert, die Heirat mit der Nichtenehe sei deshalb beliebt gewesen, weil durch sie eine groessere Sicherheit fuer die Reinheit der Abstammung gegeben war. Aber die von ihm selbst gegen Poznanski geltend gemachten Gruende schliessen auch diese Auffassung aus, besonders: Warum nur die Tochter der Schwester?

Es bleibt also fuer die Empfehlung der Heirat mit der Schwestertochter nichts anderes uebrig, als die Erklaerung R. Tams, die mit der Raschis als ihre Ergaenzung vereinigt werden kann.

Die gleiche geistige Beschaffenheit bei Mann und Frau, die auch Verwandtenliebe in die Ehe mitbringen, mehrt Eintracht und Liebe zwischen den Ehegatten.

Daraus erklaert sich folgender merkwuerdiger Ausspruch:

"Ein Mann soll keine Frau heiraten, bis nicht die Tochter seiner Schwester herangewachsen ist oder er eine zu ihm passende Frau gefunden hat, wie es heisst: "Denn das Land wird voll werden mit Buhlerei" (Lev. 19, 29).[92] Der Sinn ist folgender: Wenn man seine Schwestertochter heiratet oder eine Frau, die mit ihren Charaktereigenschaften zum Manne passt, so sind Friede und Eintracht gesichert und dadurch ist die Gefahr einer Eheverletzung in weite Ferne gerueckt. Stimmen aber die Charaktereigenschaften zwischen Mann und Frau nicht ueberein, so gibt es Streit und Hader im Hause, was leicht zur Verletzung der ehelichen Treue, zur Buhlerei fuehren kann. Also die Sicherheit der Uebereinstimmung der Charaktereigenschaften von Mann und Frau ist in erster Reihe bei der Heirat mit der Schwestertochter gegeben, hat er aber keine Schwestertochter, so muss er die Uebereinstimmung suchen.

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[88] Jeb. und Synhed. a. a. O.

[89] *Kaufmann-Gedenkschrift*, S. 174.

[90] *JQR, NS*, III, 438: "And Poznanski sees in this an opposition against the Sadducee prohibition. But apart from the fact that only the daughter of the sister and not also of the brother is mentioned here, there seems to be no opposition intended in the other recommendations of the same Baraitha to love one's relatives and neighbors."

[91] *Schwarz-Festschrift*, S. 136. Ebenso Freund, das., S. 180.

Dafuer, dass die Bedeutung der Ehe unter Verwandten in der Uebereinstimmung der Charaktere liegt, ist besonders folgende Stelle bei Philo wichtig:

"Dem Hohepriester schreibt er (Mose) vor, eine Jungfrau zu heiraten, und zwar eine Priesterin aus priesterlichem Geschlecht, damit Mann und Frau aus einer Familie und in gewissem Sinne aus demselben Blute seien und so wegen der Harmonie durch das ganze Leben die innigste Mischung der Eigenschaften zeigen."[93]

Die natuerliche Uebereinstimmung zwischen Mann und Frau, die aus einer und derselben Familie, dieselben Eigenschaften und dieselben Traditionen in die Ehe mitbringen, traegt auch dazu bei, dass diese Eigenschaften und Traditionen erhalten bleiben und fortgepflanzt werden. In der Tat wurde sowohl in biblischer als auch in talmudischer Zeit grosses Gewicht auf die Erhaltung der Familientraditionen gelegt. So finden wir in der Bibel die Erblichkeit der Berufe,[94] und die Agada verlangt ausdruecklich: Man soll nicht das Handwerk seines Vaters lassen, um ein anderes zu waehlen.[95]

[92] לא ישא אדם אשה עד שתגדל בת אחותו או עד שימצא אשה ההוגנת לו שנאמר ומלאה הארץ זמה, Tosefta Ḳidd. I, 4.

[93] Philo, *De Monarchia*, §11.

[94] So werden erwaehnt: Familie der Goldschmiede, Gewuerzhaendler, Apotheker; (Nehemia 3, 8, 31, 32), der Schreiber, Byssusarbeiter, Toepfer (I Chr. 2, 55; 4, 21, 23.)

[95] Arachin 16b.

Dass aber dies der Gewinn aus der Heirat mit der Schwestertochter ist, konnte natuerlich nur die Erfahrung gelehrt haben. Es muessen daher noch vor der Empfehlung seitens der Rabbinen solche Ehen im Schwange gewesen sein. Sie waren ein Ueberbleibsel der *Verwandtenehe*, die bei den Juden in vorsinaitischer Zeit ueblich war. "Und Mose sah, dass das Volk weinte wegen seiner Familien." (Num. 11, 10). R. Nehorai pflegte zu sagen: "Dies lehrt, dass die Israeliten Schmerz empfunden haben, als Mose ihnen die Ehe mit nahen Verwandten verbot. Denn sie pflegten ihre Schwestern, Schwestern ihrer Muetter, Schwestern ihrer Vaeter zu heiraten. Als nun Mose diese Ehen verbot, da empfanden sie Schmerz darueber.[96]" .

Die Soehne Jakobs haben, nach der Agada, ihre Zwillingsschwestern geheiratet.[97]

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[96] Sifre, Num., §90: וישמע משה את העם בוכה למשפחותיו היה ר׳ נהוראי אומר מלמד שהיו ישראל מצטערים בשעה שאמר להם משה לפרוש מן העריות ומלמד שהיה אדם נושא את אחותו ואחות אביו ואחות אמו ובשעה שאמר להם משה לפר׳ש מן העריות היו מצטערים. Sifre zuṭṭa, ed. Horowitz, S. 270, N. 10, Sifra, אחרי, Perek 13, §4, Sab. 130a, Joma 75a, Tanchuma, בהעלותך, §16 (ed. Buber §27,) Num. r. 15, 24, Jon. Num. 11, 10.

Wenn hier von der Ehe mit den Schwestern die Rede ist, ohne die Bemerkung, dass es Schwestern bloss muetterlicherseits waren, so scheinen die Quellen auch an Halbschwestern vaeterlicherseits und auch an Vollschwestern zu denken. Bei Abraham finden wir aber, dass die Heirat mit der Halbschwester vaeterlicherseits nicht gebraeuchlich war, vgl. oben I, N. 5. Folglich geht die uneingeschraenkte Geschwisterehe Israels in Aegypten auf aegpytischen Einfluss zurueck. "Die Geschwisterehe bei den Aegyptern wird aus alter Zeit bestaetigt. Diodor (I, 27) spricht davon mit dem Anfuegen, dass sich die Aegypter hier nach dem Beispiel ihrer Goetter Isis und Osiris gerichtet haben. In aegyptischen Darstellungen wird von Gelagen erzaehlt, bei welchen die Schwester als Goettin oder Geliebte an der Tafel sitzt, und dass die Ptolomaeer u. z. bereits der zweite von ihnen, Ptolomaeus Philadelphus, seine Schwester heiratete, und dass auch fernerhin in der Ptolomaeerfamilie die Schwesterheirat staendig in Brauch war, obgleich die Griechen daran Anstoss nahmen, ist bekannt. Noch bis in die roemische Kaiserzeit ist die Geschwisterehe haeufig." Kohler, *Kultur der Gegenwart*, II, VII, 1, (1914) S. 69. Vgl. auch Philo, *De spec. Leg.*, III §4, (ed. Cohn, V, 155, §22.)

[97] Gen. r. 84, 21, Tan. ed. Buber, וישב, §10, Pirḳe R. Elieser, Kap. 36,39, Agadat Bereschit 63 (64, S. 129).Vgl. noch Gen. r. 82, 8; B. Batra 123a, und Tos. v. תיומה. Vgl. dazu Aptowitzer, *Hebrew Union College Annual*, I,242. Anm. 6.

Damit stimmt die Tatsache ueberein, dass die *Endogamie*, die Heirat im Stamme, deren natuerlicher Ausläufer die Verwandtenehe ist, bei den Juden in alter Zeit ueblich war, wie die Patriarchengeschichte zeigt. Und auch dem Verbot der Verwandtenehe hat die Thora die Endogamie nicht bloss beibehalten, sondern auch zum Gebot erhoben, das erst in spaeterer Zeit ausser Kraft gesetzt Wurde.

Die Nichtenehe war also uralter Brauch. Warum aber die Ehe mit der Schwestertochter bevorzugt wurde, erklaert sich aus der Verbindung von Verwandtenehe mit *Matriarchat*. Im Matriarchat richtet sich die Verwandtschaft nach der Mutter; daher besteht eine Verwandtschaft zwischen Nichte und Onkel muetterlicherseits, waehrend Onkel und seine Brudertochter, die ihrer Mutter folgt, zu verschiedenen Familien gehoeren. Spaeter aber, nach Einfuehrung des Patriarchats, Verbot der Verwandtenehe und Zulassung der Exogamie—der Heirat mit anderen Staemmen—blieb fuer die Bevorzugung der Heirat mit der Schwestertochter, die aus dem Matriarchat zurueckgebliebene Anschauung von der Gleichheit der geistigen Beschaffenheit, der Schwestertochter mit ihrem Mutterbruder.

Zur Illustration unsrer Darstellung dienen folgende Tatsachen: (1) Bei den alten Arabern, zur Zeit, als bei ihnen Matriarchat mit Exogamie herrschte und Verwandtenehe mit Ruecksicht auf ihre nachteiligen Folgen fuer die koerperliche Beschaffenheit der Kinder[98] missliebig war, waren Ehen mit der Tochter des Oheims vaeterlicherseits—بنت عم, bint-ʻamm—geläufig, aber nicht solche mit der Tochter des Mutterbruders. (2) Umgekehrt sind bei Voelkern, bei denen *Patriarchat* mit Exogamie in Geltung sind, Ehen mit der Tochter *muetterlicherseits* Sitte.[99]

(11) Eine merkwuerdige Erinnerung an das Matriarchat ist die Formulierung zweier Bedingungen in der Kethuba: (a) *Die maennlichen Kinder, die du von mir haben wirst* sollen den Betrag

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[98] Diese Ansicht erwaehnt Ibn Esra zu Ex. 2, 1 und beweist ihr Gegenteil mit Hinweis auf Mose. Auf Ibn Esra geht Sforno zu Lev. 18, 6 zurueck, der auch auf Empfehlung der Nichtenehe seitens der Rabbinen verweist.

[99] Vgl. Wilken, *Das Matriarchat bei den alten Arabern*, S. 58 f.

deiner Kethuba erben ausser ihrem Anteil mit ihren Bruedern.[100] (b) *Die weiblichen Kinder, die du von mir haben wirst* werden in meinem Hause wohnen und von meinem Vermoegen ernaehrt werden bis zu ihrer Verheiratung.[101]

Also die Frau hat die Kinder von ihrem Manne. Gibt es ein reineres Matriarchat als dies?

(12) R. Eleasar b. Zaddok bezeichnet sich als einen Nachkommen des Stammes Benjamin.[102] Nun war aber R. Eleasar ein Priester,[103] folglich kann er nur muetterlicherseits von Benjamin stammen.[104] Und auf Grund dieser Abstammung muetterlicherseits bezeichnet er sich als Benjaminiten.

So weit das mir bekannt gewordene Material aus dem rabbinischen Schrifttum. Zum Schluss noch eine Reminiszenz an das Mutterrecht aus *judenchristlichen* Kreisen:

Schon im Hebraeerbrief ist Jesus Priester. Nun stammt aber Jesus nach der Genealogie bei Matthaeus und Lukas aus Juda, woher nun sein Anspruch auf das Priestertum? Daher behaupteten manche christlichen Kreise, dass Maria von Levi stammte.[105]

[100] Mischna Ket. IV, 10: בנן דיכרין דיהוו ליכי מינאי אינון יירתון כסף כתובתיך יתר על חולקיהון דעם אחיהון.

[101] Mischna Ket IV, 11: בנן נוקבן דיהוון ליכי מינאי יהויין יתבן בבית, ומתזנן מנכסי עד דתוסבן לגוברין.

[102] ‘Erubin 41a, Ta’anith 12a, Jerusch, das. IV, 6, 68b, Megillat Ta’anit, Kap. 5.

[103] Vgl. Tosafot ‘Erubin, a. a. O., v. מבני, vgl. Abot R. Natan, Kap. 16 (s. Exkurs I, c), Berachot 19b und Raschi v. לקראת.

[104] So schon Tosafot ‘Erubin a. a. O.

[105] Vgl. darueber Schuerer III, 3, 257 Anm. 65.

Fuer die Richtigkeit unsrer Auffassung sprechen folgende Stellen:

(1) Ambrosius von Mailand, *De benedictionibus Patriarchum*, Kap. 4:

Die Staemme Juda und Levi waren durch Stammesvermischung miteinander verbunden. Matthaeus (1, 3) leitet die Abstammung Jesu ausdruecklich vom Stamme Juda her, und an die Hebraeer (7, 14) heisst es desgleichen: "Es ist bekannt, dass unser Herr von Juda abstammt. Das Priestergeschlecht wurde aber zum Stamme Levi gezaehlt, waehrend der Glanz des Koenigsgeschlechtes in Juda erstrahlte, aus dessen Mitte David, Salomo und die uebrigen Koenige hervorgingen. Jesus war nun nach dem Zeugnis der Schrift Koenig und Hohepriester. Vgl. A. Poznanski, *Schiloh*, S. 61.

(2) Basilius der Grosse im Briefe an Amphilochius:

"Und diejenigen, welche den priesterlichen Namen trugen, verehelichten sich mit denen, welche den koeniglichen Namen fuehrten. Daher ist der Herr

Aber selbst die Abstammung Jesu von Juda hat in manchen christlichen Kreisen deshalb Anstoss erregt, weil sie im Widerspruch steht zu dem Dogma der jungfraeulichen Empfaengnis.[106] Man half sich in der Weise, dass man behauptete, die Mutter Jesu stammte aus Juda.[107]

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auch sowohl Koenig als auch Hohepriester in den Dingen, die sich auf Gott beziehen." Poznanski, a. a. O., S. 87.

[106] In der Tat finden wir schon in alter Zeit diese Frage als Waffe gegen das Christentum gebraucht. So laesst Cyrill von Alexandrien in seiner Schrift *Contra Julianum* folgendes sagen:

Es ist aber offenbar, dass nichts darin (Gen. 49, 10) auf Jesus passt, der ja garnicht aus Juda war. Wie waere er sonst, wie ihr behauptet, nicht von Joseph sondern vom heiligen Geist gezeugt? Vgl. A. Poznanski, *Schiloh*, S. 23.

[107] *Protevangelium des Jakobus*, Kap. 10; *Paulusakten*, Kap. 3. (Hennecke, *Neutestamentliche Apokryphen*, SS. 58, 379.) Ueber Testament Josef 19 ausfuehrlich an andrer Stelle.

In den Jesusgenealogien Math. 1, 1–16; Luk. 3, 23–38 wird die Abstammung Josefs auf David zurueckgefuehrt. Interessant ist aber, dass ein juedischer Autor des 12. Jahrhunderts aus Ev. Math. die Abstammung *Marias* von David anfuehrt. Der Karaeer Jehuda Hadassi, *Eschkol ha-Kofer*, Ms. Wien (veroeffentlicht von Bacher in *JQR*, VIII, 432 ff.): מתיאוש ספר מאדם עד אברהם יהודה ודוד עד אמו ייחוסו (S. 440) "Mathaeus zaehlt von Adam, Abraham, Jehuda und David bis *zu seiner* (Jesu) *Mutter* seine Abstammung auf."

Dass hier nicht ein Irrtum seitens Hadassis vorliegt, beweist die unmittelbare Fortsetzung:

"Lukas aber fuehrt die Genealogie Josefs, seines Vaters, bis auf Adam zurueck." Hadassi hat also beide Evangelientexte verglichen, so dass sein Zitat aus Mathaeus auf eine Vorlage zurueckgeht. Vielleicht nun ist dieser Mathaeustext der Ursprung jener Behauptung, dass Maria von Juda stammte. Ist nun im Mathaeusevangelium die Abstammung Marias auf David zurueckgefuehrt worden, so wuerde dadurch jenes Zitat aus diesem Evangelium in der Anekdote Sabbath 116a–b, das aber in unserem Mathaeustext nicht vorkommt, sine Erklaerung finden. Guedemann hat naemlich nachgewiesen (*Religionsgeschichtliche Studien*, SS. 80 f., 84 f., 86, 88 f.), dass jene Anekdote Stellen aus Ev. Math. zitiert oder auf Stellen in diesem Evangelium anspielt. Die Grundlage der Anekdote sind also Matthaeuszitate, aber der gleich am Anfange angefuehrte Satz: "Sohn und Tochter erben zugleich" (ברא וברתא כחדא ירתון) kommt im Mathaeusevangelium nicht vor und auch sonst nicht in den Evangelien. Vielleicht nun hat der judenchristliche Philosoph diesen Satz aus den Angaben in seinem Mathaeustext konstruiert: Jesus stammt bloss muetterlicherseits von David, trotzdem ist ihm das Messiasamt zuteil worden, er hat also dieses Amt bloss von seiner Mutter erhalten, die es von ihren Vorfahren geerbt, folglich haben Sohn und Tochter gleiches Erbrecht. Gegen diese Kon-

In beiden Faellen also wurde das Mutterrecht zu Hilfe gerufen.

(Schluss folgt im nächsten Bande des Annual.)

struktion wendet sich die Anekdote: Die Judenchristen behaupten auf dem Boden der Thora zu stehen, aber schon ihr Kardinaldogma, die Messianitaet Jesu verstoesst gegen das mosaische Gesetz, das die Tochter vom Erbrecht ausschliesst. Dass die Mutter Jesu von Juda stammt, erwaehnt Mose b. Salomo aus Salerno (um 1240), mitgeteilt von A. Poznanski, *Schiloh*, I, XXXI, N. 55.

Kusari (1140), I, 4, bezeichnet der Christ Maria eine Jungfrau von den Vornehmen Frauen der Israeliten. Also wahrscheinlich davidische Abstammung.

CHANGES IN THE DIVINE SERVICE OF THE SYNAGOGUE DUE TO RELIGIOUS PERSECUTIONS

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INTRODUCTION*

RELIGIOUS persecutions, or rather persecutions directed against the steadfast adherence of the Jewish people to its conception of God and His teachings, naturally aimed first of all at the divine service of the synagogue. There the Jewish people gave public expression to its religious beliefs, its hopes and aspirations. The liturgy of the synagogue reechoed the doctrine of Judaism, proclaimed the unity of God and the uniqueness of

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*The following abbreviations, besides the customary ones for periodicals, will be used in the subsequent pages.

‘Amram = סדר רב עמרם גאון, ed. Warsaw, 1865; ed. Fr. = סדר רב עמרם השלם, ed. Frumkin, Jerusalem, 1912.
Elbogen = Elbogen, *Der jüd. Gottesdienst*, 1913; the notes are cited from the 2nd edition.
‘Ittim = Judah b. Barzillai, ספר העתים, ed. Schor, 1902.
Mann = Mann, Genizah Fragments of the Palestinian Order of Service (in *Hebrew Union College Annual*, II, pp. 269–338).
Nöldeke, *Ṭabarī* = *Geschichte der Perser u. Araber zur Zeit der Sassaniden.* Aus der arab Chronik des Ṭabarī übersetst u. mit ausführlichen Erläuterungen u. Ergänzungen versehn von Th. Nöldeke, Leyden, 1879.
S. E. R. = סדר אליהו רבה וסדר אליהו זוטא, ed. Friedmann, 1902.
Soferim = מסכת סופרים, ed. Müller, 1878.
Vitry = מחזור ויטרי, ed. S. Hurwitz, 1889.
או"ז = Isaac of Vienna, אור זרוע, Zhitomir.
ג"ל = תשובות הגאונים, ed. Musafia, Lyck.
ד"ס = R. Rabbinovicz, דקדוקי סופרים.
ח"ג = תשובות הגאונים חמדה גנוזה, Jerusalem.
ה"פ = תשובות הגאונים הלכות פסוקות, ed. Müller.
שבה"ל = Ṣedekiah b. Abraham, שבלי הלקט, ed. Buber.
ש"ש = Isaac ibn Gayyat, שערי שמחה, ed. Bamberger.
ש"ת = תשובות הגאונים שערי תשובה.
תש"ר = בית נכות ההלכות או תורתן של ראשונים, ed. Horowitz, 1881.

Israel, and reiterated the story of the Bible, the exalted orations of the Prophets and the soul-stirring outpourings of the Psalmists. Within the scheme of the order of divine service of the synagogue the preachers and interpreters found the opportunity of instructing and edifying the worshippers by the living word of the Torah.

Some of these doctrines, publicly proclaimed in the synagogue, were construed by the ruling religions as challenges to their own teachings. The arm of the state was wielded to proscribe these doctrines. The Jews had to bow to the *force majeure* without giving up in the least their cherished beliefs and without their spiritual leaders lacking in ways and means of how to nullify the edicts that violated their elementary rights of religious conviction. Changes had to be made in the service to meet the new conditions imposed by the power of the state and the traces of these changes remained even after the emergencies, that had called them forth, disappeared with the setting in of new eras in the history of the nations to whom the Jews were subject.

We propose to discuss here anew the data recording these changes in the service of the synagogue. The material available refers chiefly to the two great centers of Jewry at the beginning of the Middle Ages, to Palestine and to Babylon. The triumph of Christianity in the Roman Empire since the times of Constantine the Great (312 C. E.) till the conquest of the Holy Land by the Arabs (634–40 C. E.) had as a sequel the rising tide of intolerance towards the Jews in Palestine. In Babylon a change to the worse in the condition of her large Jewry set in towards the end of the reign of Yezdejerd II (454–5 C. E.) continuing with interruptions again to the period of the arrival of the Arabs (637 C. E.). The liturgy of the synagogue in both these countries received its more or less fixed form just during these periods when it had at the same time to withstand the pressure exerted by the ruling religions of Christianity and Zoroastrianism respectively. The records of this pressure and of the counteraction on the part of the Jewish spiritual leaders are scanty and often obscure. They are not contemporaneous but date chiefly from the Gaonic period when both Palestine and Babylon were already under Muslim sway. Yet they evidently are more or less based on trustworthy traditions that have come down from the times of trial and tribulation

The two great religious persecutions that visited the Jewish people in Palestine previously, the one of Antiochus Epiphanes (168 B. C. E. and following) and the other of Hadrian (135–138 C. E.) have left no recorded changes in the liturgy[1], in the first instance, and only a few cases, in the second one, for the good reason that during both of them the practice of Judaism as a whole had been prohibited. There was no question of modifying or eliminating certain features of the liturgy when the whole service of the Temple, in the former case, and of the synagogue, in the second one, had been proscribed as a part, indeed a prominent one, of the obnoxious religion of Judaism. Not so in the periods under discussion in this paper when Judaism as a whole had to be granted the right to existence and the state in Byzantium and in Persia respectively, at the instigation of the spokesmen of the ruling faiths, insisted only upon the elimination of certain objectionable features, which it had construed as public challenges on the part of the Jews to the doctrines of the respective religions supreme in the two empires then containing the predominant part of the Jewish people.

In Babylon these objectionable features consisted of the emphatic declaration of the unity of God (the Shema‘) as against the dualism of Zoroastrianism. A distinct polemic against the latter was also found in the exalted orations of Deutero-Isaiah that were used in the Hafṭarot (נחמות שבישעיה). In Palestine more features of the liturgy found offence in the eyes of the church upheld by the Byzantine government. The Shema‘, the Trishagion (Ḳedushah), the ‘Amidah (especially the twelfth benediction known as ברכת המינים), the preachings and teachings of the Rabbis (the Deuterōsis)—these were the offensive portions which the state tried to eliminate from the public service of the synagogue. These points will be discussed here seriatim adding for completeness sake other details of the divine service that called forth objections in the Gentile environment in which the Jews were living.

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[1] About the supposed introduction of the Hafṭarah owing to Antiochus' prohibition of the reading of the Torah, see *infra*, p. 282. About the change in the time of sounding the Shofar on Rosh Hashanah, stated to have taken place during the Hadrianic persecutions, see *infra*, p. 299 ff., and about the rite of Tephillin, *infra*, p. 296. The changes in several religious customs owing to the dangers (סכנה) during the Hadrianic persecutions are outside the scope of this paper which deals only with the service of the synagogue.

Since our data are not contemporaneous but emanate chiefly from the later Gaonic period they have to be taken with great caution. The question frequently arises whether they are not *post eventum* explanations of liturgical features that could not be accounted for otherwise and therefore the general hypothesis of having been due to שעת השמד[2] was conveniently advanced as their reason. Yet this general and oft repeated tradition of changes in the liturgy because of religious persecutions seems to be well-grounded and it would be hypercritical to dismiss it altogether as unhistorical. Anyhow the problem deserves to be traced and examined in its manifold ramifications.

I

CHANGES DUE TO THE OPPOSITION AGAINST THE SHEMA'.

It would not be in keeping with our theme to discuss here anew the origin of the Shema' in the service of the synagogue and to trace the successive stages through which the Shema' was formed into a composite whole consisting of three Biblical passages (Deut. 6.4–9, 11.13–21 and Numbers 15.37–41) introduced and concluded by benedictions (see Ber. 1.4)[3] The recital of the Shema' *twice daily*, morning and evening, was already an old established custom in the first century, C. E., still before the destruction of the Second Temple. The Shema' assumed its characteristic significance not only as a solemn theological asseveration of monotheism as against dualism, trinity or polytheism but by the very designation of its first section (Deut.

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[2] The prototype for this general hypothesis would thus be the passage concerning the change in the time of sounding the Shofar in R. H. 32b בשעת גזרת המלכות שנו, the correct reading of which is בשעת השמד שנו (cf. *Dikduke Soferim*, a. l.). See *infra*, p. 299, note 124.

[3] For the existing literature on this problem see Elbogen, *Der jüd. Gottesdiensdienst*, p. 16, and notes (2nd ed.) pp. 513–515.

6.4–9) as "the acceptance of the yoke of heaven" (קבלת עול מלכות שמים, cf. M. Ber. 2.2, Babli 13b, 14b) the Shema‘ had also a political connotation as a challenge to the yoke of Rome, the wicked mundane rule. The third section with its concluding reference to the redemption from Egypt and the subsequent Geullah benediction kept afresh in the minds of the people the hope of the ultimate restoration of Israel when the eschatological "kingdom of heaven" would become supreme on earth.

The Talmudic literature records the recital of the Shema‘ *only twice daily* in accordance with the verse in Deut. 6.7 (ובשכבך ובקומך, cf. Ber. 1.3: בשעה שבני אדם שוכבים ובשעה שבני אדם עומדים). It became a characteristic token of Israel that declares "the unity of God twice daily with love."[4] Yet in the post-Talmudic liturgy that has come down to us the first verse of Shema‘ recurs several times in the service outside the scheduled place assigned to the Shema‘ in the conjunction with the Tefillah of Shaḥarit and Ma‘arib. What were the causes of these insertions? Some reasons advanced by the early authorities trace these insertions to the times of persecutions (שעת השמד) and therefore claim our attention here.

1. SHEMA‘ IN THE SECTION לעולם יהא אדם.

The portion of the morning service preceding ברוך שאמר, which was usually recited by the individual Jew at home before proceeding to the synagogue for the public worship,[5] contains the first verse of Shema‘. In the Palestinian ritual it is introduced boldly after the benediction for the Torah (Mann, 280, 293), but in the Babylonian rite it is to be found within the beautiful section beginning with לעולם יהא אדם ירא שמים בסתר and leading up to the privilege of Israel to declare the unity of God by the declaration of the Shema'. This verse is followed by a significant benediction emphasizing the sanctification of God's name in public and in conclusion the prayer for the restoration of Israel is expressed (see the version in 'Amram, ed. Fr., I, 51a). The whole section was evidently known to the author of Seder Eliyahu Rabba (c. 19, ed. Friedmann, 118) where it is cited in a greatly shortened form due to the copyists, who only indicated its beginning and its end (see Friedmann's notes, *a. l.*). It is questionable whether the whole section was originally composed by the author of this Midrashic work, as it is frequently assumed, because he introduces it with the formula מיכן אמרו.[6] The whole setting of this section suggests a time of religious tribulation and trial when the declaration of the unity of God could only be made in secret (בסתר), viz. in the home of the individual Jew and not at the public worship. The benediction praising *God* for sanctifying His name in public (by some manifest action of His) significantly alludes by contrast to a time that demanded of the Jew (a *mere human being*) a sacrifice in doing this publicly. With right intuition R. Benjamin b. Abraham 'Anav, brother of the author of *Shibbole Ha-Leḳeṭ* (13th century), explains that the author of S. E. R. referred to a period when the Shema' could not be recited at the public worship of the synagogue and hence he impressed upon his contemporaries the duty of acknowledging the kingdom of heaven privately.[7]

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[4] Thus in the morning prayer, to be discussed forthwith: אשרינו . . . שאנו משכימים ומעריבים ערב ובקר ואומרים בכל יום תמיד ומיחדים את שמך ואומרים שמע וכו' (this is the reading in ‘Amram, ed. Fr., I, 51a, but Vitry, p. 60, has ומיחדים שמך פעמים); in Ḳedushah of Musaph (to be discussed farther on, p. 251 ff.), יחון עם המיחדים שמו ערב ובקר פעמים באהבה שמע אומרים (the phrase פעמים באהבה was attacked already by Ben Baboi (about 800 C.E.), see *infra*, p. 255, note 26); likewise in the litany of והוא רחום we read וחון אום המיחדים שמך פעמים בכל יום. See also Cant. R. 7.11: ומיחדים שמו שתי פעמים ואומרים שמע וכו'. Cp. further S. E. R., pp. 13 and 15, and especially *infra*, notes 7 and 18.

[5] See the data discussed by Mann, *H. U. C. Annual*, II, p. 273, and cf. also the account of Natan Ha-Babli (in Neubauer, *Med. Jew. Chron.*, II, 83): וחזן הכנסת מתחיל ברוך שאמר וכו'.

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[6] The text there omits בסתר after ירא שמים but several authorities had this significant word as is evident from the discussion in שבה"ל to be cited forthwith. Also 'Amram has it.

[7] שבה"ל, ed. Buber, p. 6:
ורבינו שלמה ז"ל (Rashi) הרגיל שלא לומר „לעולם יהא אדם ירא שמים בסתר" מפני שתוהין
לומר: וכי בסתר יהא אדם ירא שמים ולא בגלוי?... וגאון אחד כתב שהגון לאומרו... ור' בנימין
אחי גר"ו כתב שראוי לומר „בסתר" שלא אמרו אבא אליהו אלא כנגד דורו של שמד שגזרו שלא
לקרוא את שמע ולא היו יכולין להיות יראין בגלוי, על כן הזהירם וזרזם לקבל עליהם עול מלכות
שמים בסתר. תדע לך שכן הוא שאומר „וחייבין אנו לומר לפניך תמיד שמע בכל יום כו' ומיחדים את
שמך פעמים באהבה ואומר (ואומר' read=ואומרים) שמע ישראל כו'". ועל כן אומר „ברוך
המקדש שמו ברבים" לפי שבשעת השמד אין שמו מקודש ברבים אלא בסתר, על כן אין אנו לשנות.

Elgogen (p. 91) thinks it not impossible that R. Benjamin was right in his explanation and yet regards it more likely that the first verse of Shema‘ was inserted there in order to not delay the time set for its reading. His evidence is ‘*Ittim* (p. 253)[8] which, in dealing with Sabbath morning, recommends that the weekly Sidrah should not be gone over at home before proceeding to the synagogue in order not to delay זמן ק"ש. This offers no proof whatever for Elbogen's preferred explanation of the insertion of Shema‘ at this juncture. But there is another statement (not cited by Elbogen) in a MS. Munich (given by Perles, *M. G. W. J.*, XXV, 370–71) which probably emanates from the author of ‘*Ittim*, R. Judah b. Barzillai, and which shows that this argument of the delay of זמן ק"ש was unknown and is therefore quoted as "a great secret" (סוד גדול).[9] The whole passage was written by a critic of the Piyyuṭim and, as Judah b. Barzillai was such a one (as is evident from ‘*Ittim*, p. 251 ff.), we may suggest that our statement is to be found in the missing part of ‘*Ittim* dealing with the early morning service. Hence in the MS. the beginning should read somewhat like [נמצא בספרו של] מה"ר יהודא סוד גדול וכו'.

Be that as it may, the whole argument is hardly cogent or logical. On the basis of the statement in Ber. 13b a reference to יציאת מצרים, as the conclusion of the Shema‘, is supposed to be found in the lectionary הודו where Ps. 81.11 is included. But this lectionary was recited in public (בצבור) after ברוך שאמר and not ביחידות as the Shema‘ in לעולם יהא. Moreover the whole lectionary was not at all fixed in earlier times. It is missing the Siddurim of ‘Amram and Sa‘adya (see ‘Amram, ed. Fr., I, 70a, note in מקור הברכות). It is also not found in the Palestinian ritual though *Soferim* indicates its beginning (see Mann, p. 276).

All these passages, quoted by R. Benjamin, were evidently in his copy of S. E. R. but were omitted by later copyists. Cp. also Friedm., מבוא, p. 80. See also *Tanya*, ed. Hurwitz, p. 11.

[8] Thus more correctly than p. 249, given in his notes (p. 527), which contains nothing on this subject.

[9] מה"ר יהורא סוד גדול שלכך תקנו חכמים קדמונים לומר „אשרינו שאנו משכים ומעריבים ואומרים בכל יום שמע ישראל" משום דשמע זה ק"ש של ר' יהודה הנשיא (see Ber. 13b). ומשום דהוא (ר' יהודה הנשיא) מהדר אשמעתא דיציאת מצרים כדאיתא „כדי להזכיר יציאת מצרים בזמנה" (see ibid.) תיקנו בפסוקי דזמרה „אנכי ה' המעלך מארץ מצרים" (Ps. 81.11) שאם יאחרו ביוצרות ופיוטים מיקרא ק"ש שלא בזמנו די להם בראשונות כר' יהודה הנשיא.

Following therefore the more probable clue of R. Benjamin b. Abraham ʿAnav the date and place of this שעת השמד should be considered. Krauss (*Studien z. byz.-jüd. Geschichte*, 146–7) regards in a haphazard manner S. E. R. to be a product of Byzantium and the religious persecution, alluded to in S. E. R., is referred to those of "a Leo the Isaurian (723), a Basileos (868)!" But this view collapses under the weight of the historical evidence at our disposal. How is it that the whole passage from לעולם יהא to בשובי את שבותיכם לעיניכם אמר י"י is entirely missing in the Palestinian ritual but was taken over in the Babylonian Siddur? Surely the Holy Land was nearer to Byzantium than the distant Babylon. Moreover the persecution of Basileos (868) can hardly be considered in view of the fact that ʿAmram, whose eighteen years of Gaonate (the first ones of which were in rivalry to R. Naṭronai) fall between 862–80, already has the whole passage as a regular part of his Siddur sent to Spain. Needless to say passages from a Midrash, supposedly written in Byzantium, were not incorporated by the Geonim with such speed in their ritual. Moreover a careful examination of the contents of S. E. R. clearly shows that the author lived for a considerable time in Babylon and that in a good deal of his work he depicted conditions of Jewish life in that country (see Appendix at end of this paper, *infra*, p. 302ff.). He himself was arrested during a raid carried out by the Persian authorities at the instigation of the fanatical Magians. As a result of this arrest the author records a disputation of his with a learned Magian on controversial matters pertaining to Judaism and Zoroastrianism. The dates to be found in the work, which lead down to the 10th century,[10] were evidently changed by the copyist whose text became the prototype of our texts, to suit his own time when he had prepared his transcript.

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[10] Pp. 6–7: בעונינו שרבו נכנס עלינו שעבוד בתוך שני אלפים של ימות המשיח ויצא מהן יותר משבע מאות שנה leads down to a date after 940 C. E. (4700 A. M.) and p. 163: ומשחרב (הבית השני) ועד עכשיו הרי תשע מאות brings us to 968. A third date gives an intermediate year, viz. 944 (p. 37: נמצא מיום שנברא העולם ועד עכשיו תשעים וארבעה עולמים (i.e. jubilees) ומ' ד' שנים. The first date יותר משבע מאות שנה is cited in Yalḳuṭ Makhiri to Zechariah (14.7) as שש מאות וששים וארבע שנה, viz. 904 (see Poznanski, Z.f.H.B., XIII, 132), which shows clearly how the copyists changed the dates to suit their own times.

The passage in S. E. R., reflecting the religious persecution under discussion with regard to the Shema', rather helps us to fix the time of redaction of the book, viz. not long after the fanatical outbreak against the Jews in Babylon and in Persia under Yezdejerd II (454–5) during which the recital of the Shema' was forbidden as being a challenge to Zoroastrianism, as is expressly reported by the Geonim (see *infra*, p. 256 ff.) in connection with the Shema' in the Ḳedushah. The arrest of the author (or redactor) and his discussion with a Magian should be fixed in this time of trial and tribulation. The Jewish authorities of the time at first impressed upon their coreligionists the duty of reciting the Shema' (at least the first verse) privately in their homes before proceeding to the synagogue for the morning service. In the course of the religious persecution they invented also the strategem of inserting the beginning and the end of the Shema' in the Ḳedushah. The whole beautiful section from לעולם יהא and onwards formed an impressive setting for the private acknowledgment of the unity of God and His kingdom. The author of S. E. R. quotes it as an anonymous composition of the Babylonian Rabbis of the time (מיכן אמרו). It was, however, not taken over into the Palestinian ritual, though the first verse of Shema' occurs therein before ברוך שאמר, either as a later compromise with the Babylonian custom or perhaps as a reminiscence of the custom of R. Judah the Patriarch.

The redaction of S. E. R. not long after 455 renders it pretty certain that it should be identified with סדר אליהו רבה and its supplementary part סדר אליהו זוטא, cited in Ket. 106a, though the story related there connects it with R. 'Anan, the contemporary of R. Naḥman b. Jacob (end of 3rd and beginning of 4th centuries). The author preferred to remain in obscurity citing several episodes and statements in the name of "Father" Elijah (אבא אליהו), the great personality in Jewish folklore since Biblical times. The legendary relationship between Elijah and R. 'Anan was seized upon by the Saboraim in the 6th century to attribute to the latter the already by then famous work Seder Eliyahu Rabba and Zuṭṭa.[11] Yet it is not out of question to assume that there were known in Babylon as well as in Palestine teachings and episodes relating to Elijah which the author, living in the second half of the 5th century, incorporated into his work giving it the peculiar phraseology and form that render it as one of the most interesting literary productions in the field of Midrash. The reason for his division of the work into two parts, Rabba and Zuṭṭa, is not clear. Who knows whether he himself did not use the legend concerning R. ʻAnan as a means to hide his own identity? Hence the Saboraim were guided by genuine tradition to declare the work to contain the substance of Elijah's teachings to R. ʻAnan.[12]

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[11] In the story in Ket. 106a, top, the phrase דהוה מתני ליה סדר דאליהו seems to be a Saboraic gloss to explain the preceding sentence רב ענן הוה רגיל אליהו

2. SHEMAʻ IN THE ḲEDUSHAH.

The Ḳedushah in Musaph on Sabbaths and Festivals in the prevalent rites contains the insertion of the Shemaʻ in a characteristic setting which again recalls a time of aroused religious feeling owing to outside opposition. After the actual Trishagion and its accompanying verse of Ezek. 3.12 (which will be discussed *infra*, p. 261ff.) the text turns abruptly to a plea for God's mercy on the people that declare His unity daily, morning and evening, "twice with love" proclaiming the Shemaʻ (citing the first verse). Then comes the emphasis that only "He is our God, our Father, our King, our Savior,"[12a] pleading again for His mercy to

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דאתי גביה as if סדר דאליהו existed even before R. ʻAnan. Likewise, עד דאפיק ליה סדריה seems to be an insertion—all in order to justify the Saboraic identification והיינו דאמרי סדר אליהו רבה, סדר אליהו זוטא.

[12] The general conclusions are given here reserving further discussion of the problem of S.E.R. for the Appendix (*infra*, pp. 302–10).

[12a] The juxtaposition of these attributes "Father, King and Savior" has evidently a polemical emphasis against Christianity which designated Jesus by the last two terms besides ascribing to him divinity (*θεός*). As is well-known, Jesus is styled in the N.T. King (*βασιλεύς*) and savior (*σωτήρ*). In the well-known hymn אין כאלהינו we have also the juxtaposition of the attributes God, Lord, King and Savior, stressing still more the emphasis against Christianity which designated Jesus as lord (*κύριος*). This hymn is evidently modeled after the above passage in the Ḳedushah and perhaps would warrant the reading there אדונינו too instead of אבינו. The hymn is found in the Palestinian ritual for Saturday night with the proper beginning מי כאלהינו (see Mann, pp. 319, 324–5). In the light of the above remarks it probably dates from the

become manifest by the redemption of Israel when His divinity will be proclaimed before all mankind, and concluding with the last phrase in the Shema‘, viz. אני י"י אלהיכם. ‘Amram (ed. Frumkin, II, 50b) briefly indicates this insertion: כתר יתנו לך, ומוסיף (ש"ץ) „פעמים באהבה", ואומרים (הקהל) „שמע ישראל". ויש מוסיפין „להיות לכם לאלהים אני ה' אלהיכם". ובדברי קדשך וכו' (see also I, 139b, where R. Naṭronai Gaon mentions פעמים and להיות לכם לאלהים). The author of Pirḳe de R. Eliezer (c. 4, end) seems to allude to this enlarged Ḳedushah when in conjunction with the Trishagion recited by the angels above he adds: וישראל גוי אחד בארץ שהם מיחדים שמו תמיד בכל יום עונים ואומרים „שמע ישראל ה' אלהינו ה' אחד", והוא משיב לעמו ישראל „אני ה' אלהיכם" המציל אתכם מכל צרה.[13] The author of this Midrash probably lived in Palestine at the beginning of the 8th century (as will be shown elsewhere).

This insertion of Shema‘ into the Ḳedushah formed the subject of a discussion already in the early Gaonic period. R. Yehudai, Gaon of Sura (c. 760 C. E.), is the earliest authority mentioned who traced it to a persecution in Palestine in the course of which both the Shema‘ and the daily Tefillah were proscribed by the government. The Jews were only permitted to assemble in their synagogues on Sabbath morning to recite and to intone the Sabbath ‘Amidah with the Piyyuṭim connected therewith. As a subterfuge the Shema‘ was inserted into the Ḳedushah, viz. the Ḥazzan would intone the beginning and the end of the Shema‘ in such a manner as not to be noticeable to the officials watching the service (see also *infra*, p. 259, note 32). This prohibition ended with the overthrow of Byzantine rule in Palestine in consequence of the arrival of the Arabs (634–40). This

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Byzantine period. Who knows whether its composition did not take place at about the same time as the passage in the Ḳedushah? Hence the hymn has not been adopted from the mystics as found in Hekhatot R. (c. 4, beginning: מי כמלכנו... מי כיוצרנו מי כה' אלקינו, see Bloch, *M.G.W.J.*, XXXVII, 311) but rather the author of this mystical tract used the phraseology of this hymn in a modified form.

[13] R. David Lurya in his commentary (p. 11b, note 62) rightly points out that the concluding phrase "Who redeems you from all trouble," alludes to the insertion of the beginning and the end of the Shema‘ into the Ḳedushah in consequence of the religious oppression which involved the prohibition of the recital of the Shema‘.

historical information reads in the words of Ben-Baboi,[14] who recorded it, as follows: וכן אמר מר יהודאי ז"ל שגזרו שמד על בני ארץ ישראל שלא יקראו קריית שמע ולא יתפללו[15], והיו מניחין אותן ליכנס שחרית בשבת לומר ולזמר[16] מעמדות[17], והיו אומרים בשחרית בשבת מעמד[17] וקדוש ושמע במוסף[18], והיו עושים דברים הללו באונס, ועכשיו שכילה הקב"ה מלכות אדום וביטל גזרותיה ובאו ישמעלים[19] והניחום לעסוק בתורה[20] ולקרא קרית שמע ולהתפלל אסור לומר אלא דבר דבור במקומו כתיקון חכז"ל תורה[20] במקומה ואסור והתר[21] במק'[22] ותפילה וקריית שמע במקו'[23] וכל ברכה וברכה וכל דבר ודבר כתיקון חכז"ל במק' ובזמנו.

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[14] A substantial portion of Ben-Baboi's work, known as פירקוי דבן באבוי, has been published by Mann, *R.E.J.*, vol. 70, 129 ff. (See also the additional passage given by J. N. Epstein, ibid., vol. 75, 179 ff.). Our passage is found on p. 133. See the discussion of this problem, ibid., pp. 122–128, which, however, is augmented here in several points.

[15] Evidently because the Shema' was regarded as a challenge to the doctrine of the trinity and the daily 'Amidah contained ברכת המינים (12th benediction) with its reference to the Christians (ולנוצרים) as is evident from the Palestinian version of the 'Amidah (see Schechter, *JQR*, X, 657, and Mann, *H. U. C. Annual*, II, 296.

[16] ולזמר is not a dittography of ולומר but refers to the intonation of the מעמדות, Piyyuṭim, by the Ḥazzan. See notes 17 and 21.

[17] מעמדות denote, as J. N. Epstein has rightly pointed out (*R.E.J.*, vol. 75, 183, note 2), the Piyyuṭim inserted into the first 3 benedictions of the 'Amidah (as born out by 'Amram, ed. Warsaw, 47b, bottom: ויורד ש"ץ ואומר במגן ומחיה והמלך הקדוש מעמד שיש בו ריצוי וסליחה). But מעמדות can also be Piyyuṭim inserted into the last 3 benedictions of 'Amidah as is evident from the passage cited in note 21.

[18] במוסף does not mean here "at Musaph," because in Palestine the Ḳedushah was only recited at the Shaḥarit service (as Ben-Baboi emphasizes, ibid., vol. 70, 135), but denotes "in addition," viz. as an insertion similar to the phraseology of 'Amram (above, p. 252) ומוסיף פעמים באהבה and ויש מוסיפין להיות לכם וכו'.

[19] Read ישמעאלים.

[20] It is characteristic that the study of Torah was formerly, under Byzantium, proscribed. This refers to the problem of the Deuterōsis (discussed *infra.*, p. 281) and hence the Piyyuṭim (מעמדות) would contain the very elements of the Deuterōsis, viz. the Aggadic interpretation of the Bible (called here תורה) and also the Halakhic instruction (called here אסור והתר).

[21] Cf. Ben-Baboi's elaboration of this point (ibid., p. 130):
וכל שכן שאסור לומר אסור והתיר והגדה בשלש ראשונות ובשלש אחרונות, וכל שכן מעשה מרכבה שאסור לומר בצבור ואפילו ביחיד. . . וכל שכן שאסור לומר „האל הגדול הגבור והנורא" ומפסיק שבחו שלקב"ה ומתחיל ומזמר „ויבא עמלק" ו„איכה אבכה" וכל כיוצא בו.

[22] =במקומם.

[23] =במקומן.

R. Yehudai's account no doubt refers to the time from 629 and onwards when Heraclius, on his reconquest of Palestine from the Persians, broke his promise given to the Jewish leaders to grant the Jews amnesty for their having aided the Persians during their invasion and occupation of the Holy Land (614–628) and allowed revengeful excesses to be perpetrated on them.[24] The divine service of the synagogue was restricted in every way. Services on week days were prohibited because of the Shema' and the 12th benediction of the 'Amidah. The teachings and preachings of the Rabbis, known as Deuterōsis, proscribed already since Justinian's famous novella of 553 (see *infra*, p. 279ff.), could not be given to the people assembled in the synagogues on Sabbaths. But the Piyyuṭim had already become a substitute for the Deuterōsis and these were permitted to be recited and intoned on mornings of Sabbaths and Festivals, followed no doubt by the reading of the Torah but without the sermons of the Rabbis. It is rather strange that the Trishagion was at all allowed to be recited in view of the reports of its proscription because of its interpretation by Christian theology to denote the Trinity (as discussed *infra*, p. 263ff.). But it seems that the Trishagion by itself was not proscribed but only when with its Targumic paraphrase it had a distinct polemical emphasis against the doctrines of Christianity (as shown *infra*, p. 266 ff.). However, it may be that the expanded Ḳedushah also formed a part of the Piyyuṭim whose very origin is stated to have been a stratagem whereby to outwit the authorities in their prohibition of the Deuterōsis.

This whole limitation of the divine service of the synagogue need not have been an innovation of Heraclius but rather the reënforcement of the old intolerant interference with the Jewish service that had become especially rigorous since the time of Justinian. It could not be carried out during the occupation of the country by the Persians but after the reconquest it asserted itself anew. R. Yehudai, living about 120 years after the conquest of the Holy Land by the Arabs, had naturally a more direct tradition about conditions prevailing there during the last years of the Byzantine regime. He demanded the elimination of the Shema' from the Ḳedushah in the Shaḥarit 'Amidah of the Palestinian ritual, now that under Muhammedan rule the Shema' in its entirety had returned to its proper place in the Shaḥarit service on Sabbaths and Festivals prior to the 'Amidah. R. Yehudai's protest was of no avail nor was the vigorous denouncement of this item in the liturgy by Ben-Baboi (beginning of 9th century), a disciple of Rabah who in his turn sat at the feet of Yehudai Gaon.[25] Ben-Baboi seemingly failed to extend his opposition to the Shema' in the Musaph Ḳedushah, prevalent in his own country Babylon (to be discussed forthwith), because perhaps this insertion, preserved as a memorial of the times of religious persecution in Babylon under the Persians, was not found to be so objectionable at Musaph which formed a sort of a separate service after the reading of the Torah and the Prophets. But it may be that he looked with disfavor also on the Babylonian custom as the logical conclusion would be from the passage cited above (note 25). However, he denounces the phrase פעמים באהבה as containing a boastful complaint before God—a rather cantankerous remark.[26] In spite of Ben-Baboi's attack the Palestinian ritual adhered to its old custom except that in Jerusalem and in other Palestinian cities, where Babylonian Jews had settled, the Ḳedushah (whether with or without Shema' is not clear) became a daily feature of the service and probably also of Musaph on Sabbaths and Festivals—this concession being granted only after dispute and dissension.[27] It is doubtful whether ultimately the Palestinian ritual ever became uniform in this respect with the Babylonian rite.

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[24] See Graetz, *Geschichte*, v (4th edition), pp. 30 ff. and 414 ff.

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[25] REJ, vol. 70, p. 134:
כל שכין זה שאומרין שמע בין קדוש לוימלוך שאין הוא לא עתו ולא מקומו שתיקנו חכז"ל מפני שלא תיקנו חכז"ל לקרוא קרית שמע אלא שחרית וערבית בלבד מן המשנה ומן התלמוד. אם אתה אומר: שמע פסוק ראשון שהוא אומר, עיקר קריית שמע פסוק ראשון הוא וכו'.

[26] Ibid.: ועוד כל שכין זה שאומרים „פעמים באהבה" שהוא כמגים דעתו כלפי מעלה ומתרעים ואומר שאנו אומרים פעמים בכל יום שהוא כמגים דעתו כלפי מעלה. Yet in the time of R. Hai this phrase was omitted at his school in Bagdad (see the passages discussed by Mann, *REJ.*, vol. 70, 123, note 1). See also Marmorstein, ibid., vol. 73, pp. 98–9, and my remarks, vol. 74, p. 111.

[27] Ibid., p. 135: תדע לך שכן היא ותקנת שמד היא שאין אומרים שמע בין קדוש לוימלוך אלא בתפילת שחרית של שבת בלבד, אבל במוספין ובמינחה וכל ימות השבת אין אומרים. עד עכשיו אין אומרים בארץ ישראל קדוש ושמע אלא בשבת או בימים טובים בלבד, בשחרית בלבד, חוץ מירושלים ובכל מדינה שיש בה בבלאיין שעשו מריבה ומחלוקת שקיבלו עליהם

On the other hand Gaonic reports of the 9th century trace the insertion of Shema‘ in the Ḳedushah to a prohibition of Yezdejerd II. The declaration of the unity of God was obnoxious to the ruling religion of Zoroastrianism with its dualistic conception of the deity. Hence the government forbade the reading of the Shema‘ in its usual place in the service. As a subterfuge the Ḥazzan would intone in an unnoticeable manner (בהבלעה) the first verse of Shema‘ as well as the conclusion (אני ה' אלהיכם) within the Ḳedushah of *every service*, both on week days and on Sabbaths and festivals. When this decree was annulled and the Shema‘ could again be fully recited at its proper place, the insertion in the Ḳedushah was removed from all the services and was only retained at the Musaph of Sabbaths and Festivals as a memorial of the persecution. Sar Shalom, Gaon of Sura (849–53), in giving substantially the above account, speaks only in a general way of a persecution prohibiting the Shema‘.[28] That he referred only to the situation in Babylon is evident from the fact that the daily ‘Amidah could be recited because it would offer no objection to the Magians whereas in Palestine it had been proscribed owing to the benediction against heretics (ברכת המינים), as stated above (p. 254). But anonymous Gaonic responsa, cited in *Shibbole Halleḳeṭ*,[29] give a more specific description of the manner of the

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לומר קדושה בכל יום, אבל בשאר מדינות ועירות שבארץ ישראל שאין בהם בבלאין אין אומרים קדוש אלא בשבת ובימים טובים בלבד. This custom is also borne out by a Gaonic responsum (cited in Tosafot, Sanh. 37b) which gives an Aggadic explanation for it found in מדרש ויכולו (see *REJ.*, vol. 70, p. 127, note 2).

[28] Sar Shalom's responsum is quoted first in ‘Amram, ed. Fr., I, 139b, and is repeated in Vitry, p. 99, סדור רש"י, p. 252, par. 504, ‘Ittim, 280–81, או"ז, II, 11c (22a). The parallel in *Pardes*, ed. Ehrenreich, p. 312, will be discussed *infra*. p. 259. The general reference to the persecution is, מפני שכנגזרה גזרה על שונאיהם של ישראל (a well-known euphemism for Israel) שלא לקרות ק"ש כל עיקר היה אומר אותה שליח צבור בהבלעה בעמידה בכל תפלה דשחרית בין בחול בין בשבת וכו'. Sar Shalom speaks here only of the insertion of the Shema‘ in the Ḳedushah of Shaḥarit but the responsa, discussed in next note, clearly mention this insertion at every service.

[29] Ed. Buber, p. 38: ולמה נהגו לומר פעמים ולהיות לכם בקדושה? מצאתי בתשובות הגאונים ז"ל...לפי שבימות רב נחמן גזר יוזגרד (r. יזדגרד) מלך פרס שלא יקראו קריאת שמא (r. שמע) לאלתר מה עשו חכמים שבאותו הדור? תקנו להבליעו בין כל קדושת (r. קדושה) בין בשחרית,

subterfuge to outwit the authorities by the insertion of Shema‘ into Ḳedushah and also by mentioning the occasion as due to the fanaticism of Yezdejerd II.

This ruler (438 or 439–457) was notorious for his intolerance both towards Jews and Christians. Several sources of the Gaonic period refer to a persecution against the Jews about 454–5 which involved their being compelled to desecrate the Sabbath.[30] His death is reported to have been caused by the bite of a snake. R. Naḥman mentioned in the above responsum is the Amora R. Naḥman b. Huna, head of the school of Sura, whose death is reported to have taken place at about the time when Yezdejerd's persecution began. Hence Halevy may be right in suggesting (דוה״ר, III, 93) to emend שבימות רב נחמן into שבמות רב נחמן in accordance with the report of Sherira Gaon and others. Our responsum adds another detail of the persecution, viz. the prohibition of the Shema‘ and the subterfuge of its insertion in the Ḳedushah. Yezdejerd's death in 457 only brought a temporary respite for the Jews. The rule of his son Perōz (459–484) was fraught with still more severe trials resulting (especially from 469–70 and onwards) in the closing of all schools and synagogues

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בין במוסף, בין במנחה, בין בחול ובין בשבת ובין ביום טוב. ומאי הבליעה? רישא: שמע, סיפא: אני ה׳ אלהיכם. ולמה תיקנוה לאומרה בהבלעה? כדי שלא תשתכח שמע מפי התינוקת. ובקשו רחמים מן השמים ובא תנין בחצי היום ובלע יזוגרד (r. יזדגרד) המלך ובית משכבו (r. ובבית משכבו) ובטלה הגזרה והיו מתפללין על הסדר ופירסו על שמע כתיקנה בפרהסיא ובקשו לסלקה לאלתר שלא לאומרה, אמרו חכמים שבאותו הדור: לא נבטל אותה שלא לאומרה כלל כדי שיתפרסם הנס לדורות אלא נקבע אותה בתפילת המוספין ובתפילת נעילה שאין שם קריאת שמע כלל, וכן מנהג בשתי ישיבות. Cp. also the passage from ס׳ המקצועות, cited in או״ז, *l.c.*, which also speaks of the original insertion of Shema‘ in the Ḳedushah at every service (בכל צלותא וצלותא) and not only at Shaḥarit.

[30] The primary account is in Sherira's letter (ed. Lewin, p. 94): ובתריה רב נחמן בר רב הונא ושכיב בשנת תשס״ו (= 454/5 Sel.) ונפל שמדא וגזר יזדגרד לבטולי שבתא וגזרו רבנן תעניתא ואיתי קודשא בריך הוא בליליה עליה תנינא.

Another version adds: ובלעוה מן משכביה ובטלה גזרתיה. Cp. further Sherira's remark, ibid., p. 96. There are several variants as to the date but the above figure seems to be the most correct one. Cf. further the data given in the several versions of סדר עולם זוטא and סדר תנאים ואמוראים (in Neub., *Med. Jew. Chron.*, I, 177, 184; II, 246, 247, bottom; Marx, *Lewy Festschrift*, Hebrew part, p. 172). Also a Genizah fragment in Cambridge (T. S. 8 K 22.11) reads: שנת תשס״ו נאסף רב נחמן בן רב הונא וגזר יזדגרד מלך פרסיים על אבותינו לחלל את השבה.

About the date see also Rappaport, ערך מלין (ed. Warsaw, I, 71 f.) and cf. Schorr, החלוץ, II, 120.

and in kidnapping the Jewish youth by the Magians to initiate them into the religion of Zoroaster. And then the movement of the reformer Mazdak, which had its chief seat in Babylon, only added to the oppression of the Jews till its overthrow in about 528.[31] We may therefore assume that even when the Jews were allowed during these years of intermittent religious intolerance to meet for public service they could not openly proclaim their doctrine of the unity of God and had to make use of the subterfuge of inserting it in the Ḳedushah. Indeed, Sherira Gaon speaks of years of persecutions and troubles right down to the close of Persian period (ed. Lewin, p. 99: והויין שני שמד וצרות בסוף מלכות פרסיים ולא הוו יכלין למקבע פרקי ואתובי מתיבתא עד כמה שנין וכו'). Hence the freedom of reciting of the Shema' fully at its proper place was probably not regained by the Jews in Babylon till the arrival of the Arabs and not immediately after the death of Yezdejerd II, as the above mentioned responsa would seem to indicate.

We have thus two parallel accounts about this change in the liturgy referring to persecutions both in Babylon and in Palestine. The one in Babylon seems to have been the earlier one. Byzantium, copying its example from the Magian-ridden government of Persia, probably began to interfere with the Jewish divine service since the times of Justinian. The Jews in Palestine then made use of the same stratagem of inserting the Shema' into the Ḳedushah as their Babylonian brethren did before them. With the beginning of the era of freedom under Muslim rule, however, this innovation was relegated in Babylon only to the Musaph service on Sabbaths and Festivals, whereas in Palestine it remained in the Shaḥarit service also on these days since the Ḳedushah was not recited there on weekdays. In Babylon too the prohibition of the Shema' was the cause for its insertion into the passage לעולם יהא אדם (as discussed above p. 249 ff.).

In our analysis of the accounts we have endeavored to separate the data relating to Palestine and Babylon respectively in order to ascertain their historical veracity. Confusion has been caused by the passage in *Pardes* (ed. Ehrenhreich, p. 312)[32] where, inside the responsum of Sar Shalom, Rashi inserted a gloss, which was a reminiscence of the prohibition in Palestine, whereas Sar Shalom no doubt dealt with the one in Babylon (as demonstrated above, p. 256). This whole reminiscence is connected with the obstacle placed before the Jews in Palestine to recite the Trishagion (as will be discussed *infra*, p. 267 ff.). Halberstam (ישרון, VI, 1868, pp. 128–130) was on the right track in endeavoring to separate the various accounts and yet Graetz (*M. G. W. J.*, 1887, 550 ff.) follows entirely the version as given in Pardes, without considering at all Halberstam's data, and Krauss (*l.c.*, 33–34) certainly added nothing to the elucidation of the problem. Our above analysis,[33] based on all the reports now available, enables us to comprehend better the occasions that gave rise to the insertion of the Shema' into the Ḳedushah. Of course all the reports could be discredited by the hypercritical argument of convenient and late allusions to the general hypothesis of שעת השמד. But as long as no other contemporaneous explanation of this liturgical problem is available the later Gaonic reports should be accepted as furnishing us with a more or less reliable tradition.

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[31] The troubles of the Babylonian Jews under Perōz (פירוז רשיעא) and in consequence of Mazdak's reforms are well known. See also Nöldeke, *Aufsätze zur pers. Gesch.*, pp. 106–7, 109, 112–14, and *Ṭabarī*, pp. 118, note 4, 141 ff., 162 ff., 455 ff., 465.

3. SHEMA' AT THE TAKING OUT OF THE SCROLL.

The custom of reciting the first verse of Shema' at the taking out of the Scroll is mentioned first in *Soferim* 14.8 ff.[34] The whole passage there makes it evident that in the ritual of the author of *Soferim* the taking out of the Scroll was the occasion of a solemn ceremony including the proclamation of God's unity and emphasizing the Trishagion in the same sense. The combination of the Trishagion with the Shema' had clearly a polemical point against Christianity (as will be shown *infra*, p. 270 ff.). It is difficult to ascertain when and where this custom arose. If the ritual of *Soferim* reflects that of Palestine, which is not always the case, then this whole custom goes back to an early time before Christian Byzantium censored the divine service of the synagogue. It may be taken for granted that when the state objected to the reading of the Shema' altogether the ceremony of הוצאת ס״ת had to be curtailed omitting at least the first verse of Shema' and the following Trishagion. The very reading of the Shema' in this connection was based upon a novel interpretation of the Mishnah (Meg. 4.5: המפטיר בנביא הוא פורס על שמע) which seems to have found little acceptance, the author of *Soferim* himself mentioning the usual explanation that the Shema' there meant the regular Shema' of Shaḥarit (14.13: וי״א פורס על שמע שיאמר יוצר אור וקדושה, i. e. Ḳedushah of Yoṣer!)[35] The very fact that Shema' at הוצאת ס״ת is connected with the Mafṭir shows that it was only done on Sabbaths and Festivals. The custom originally spread to Italy only for the three Festivals but Abraham, the father of the author of שבה״ל, introduced it for all Sabbaths and Festivals.[36] From there it was adopted in Bohemia (ארץ כנען) but not in western Germany which in this respect was alike to the French ritual where it is missing.[37] Also the Spanish ritual

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[32] After ש"ץ היה אומרה (ק"ש) בהבלעה בעמידה we read: וכל הציבור היו אומרים בלחש שלא יבינו המינין הם תרמיתי (pun on תלמידי) הנוצרי שנתחברו עם היונים והיו מריעים לנו, ובשביל הפחד לא היו יכולים לומר (insert קבלת) מלכות שמים בקול, כי האורבים היו ממתינים שם עד שלש שעות וארבע שעות כי ידעו עד ארבע שעות זמנה לקרות, ואחר ארבע שעות היו האורבים הולכים וישראל מתאספים יחד בסתר ובפחד והיו אומרים קדושה (is it קדושה דיוצר?) ומתפללין, ואומרים קדושה (viz. קדושה דעמידה) ובתוך הקדושה היו אומרים פעמים באהבה וכו' הכל כפי שאנו אומרים עכשיו בקדושה.
About Rashi's mention of these "watchers" (detectives) in the synagogues see also *infra*, pp. 259, with regard to the Ḳedushah itself, and p. 299, with regard to the blowing of the Shofar.

[33] See also Mann, *REJ.*, vol. 70, p. 125, note 1.

[34] המפטיר בנביא הוא פורס על שמע. באי זו שמע אמרו? בשמע של ספר תורה. היכי פותח (viz. המפטיר)? אשרי יושבי ביתך, ואח"כ עומד המפטיר ואומר אין כמוך באלהים

י״י וכו׳ (citing several verses) מיד נכנס (אל ההיכל viz.) ואוחז המפטיר את התורה ואומר שמע... פסוק הראשון בנעימה ואף העם עונין אותו אחריו. וחוזר ואומר אחד אלהינו... וצריך להגביה את התורה בשמע ישראל ובאלו ייחודין שלשה ובגדלו לי״י אתי.

[35] See Müller's note 25 on p. 190.

[36] שבה״ל ed. Buber, p. 56, par. 77:

אבא מרי ר׳ אברהם זצ״ל הנהיג לומר בכל שבת ויו״ט כשמוציאין ס״ת לקרות בו פסוקים של שבחות: אין כמוך באלהים ה׳, מלכותך מלכות כל עולמים, שמע ישראל וכו׳ כסדר הכתוב בסדורים בשלשה רגלים עד יגדיל תורה ויאדיר, והיה הדבר נראה טורח צבור וקשה בעיניהם על שנוי המנהג, ומצאנו סמך וסעד במס׳ סופרים וכו׳.

[37] *Or Zaru'a*, II, 19a: ומנהגנו בארץ כנען לאחר שגומר כל הקדיש מתחיל ש״ץ ואומר בקול רם: אין כמוך כו׳... ואחר שיקבל ס״ת הניתנה לידו פותח ואומ׳ בקול רם שמע ישראל כו׳ ועונין הצבור אחריו, ושוב אומר אחד אלהינו ועונין הצבור אחריו כו׳, ואח״כ אומר גדלו לה׳

omits the Shema' at the taking out of the Scroll because it has not been mentioned by 'Amram whose Siddur became basic for Spain. We have thus a remnant of a polemical asseveration of the Monotheistic doctrines of Judaism limited to a certain time in Palestine and adopted only by a small part of the diaspora, probably only after its re-insertion in Palestine with the conquest of the Arabs.

4. Shema in Ma'arib.

It is not recorded what substitute for the Shema' in Ma'arib, which must have also been proscribed both in Babylon and in Palestine respectively just as in Shaḥarit, the Jewish authorities found it appropriate to suggest to the people needing guidance in the times of trial and intolerance. However, it is significant that in the Palestinian ritual for מוצ"ש there is a section of Taḥanunim at end of Ma'arib service including the first verse of Shema' followed by אחד אלהינו גדול אדונינו קדוש ונורא שמו just as is the case with the insertion of Shema' before ברוך שאמר in the same ritual (see Mann, p. 324, and cp. pp. 281 and 319). Who knows whether this whole liturgy did not originate at the time when the regular Shema' of Ma'arib was forbidden in Palestine and hence it was recited privately and later on it was retained in the public service? However, in the Babylonian and in other rituals it is entirely missing though some sort of Taḥanun accompanied by נפילת אפים was permitted by Sar Shalom Gaon (see 'Amram, ed. Fr., I, 193b, top, cf. also Elbogen, 105–6). The custom of Shema' at bedtime (ק"ש על המטה) does not seem to bear on the problem discussed in this paper and therefore it will not be considered here (see Ginzberg, *Geon.* I, 135 ff., and Mann, 287–88).

II

Changes due to the Opposition Against the Ḳedushah (Trishagion).

1. The Trishagion was invested with much solemity in the divine service of the synagogue. Isaiah's majestic imagery of the

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אתי כו'... ובני ריינוס אין להם מנהג זה אלא כשגומר ש"ץ תפילה אומר קדיש ומוציא ס"ת ואומ' גדלו לה' אתי כו' ובמס' סופרים יש סמך למנהגנו אלא שלשם מוסיף פסוקים הרבה וגם לשם משמע שהמפטיר היה אומר כל אלו הפסוקים. ומשמע לכאורה דלאחר הקריאה הי' מנהגם.
The last deduction is evidently incorrect.

angels proclaiming God's holiness three times in succession (ch. 6.3) suggested to have this sanctification proclaimed also on earth in the synagogue of Israel. To this there was added the sentence which Ezekiel during his vision heard the beings of the Chariot proclaim in eulogy of God (ch. 3.12). The mystically inclined in Israel used this idea of the parallel sanctification of God both on high and on earth to weave around it dramatic fancies depicting the great stir caused among the heavenly hosts when Israel pronounced the Trishagion. The words of God's sanctification uttered by Israel in its synagogues became the material out of which the angels on high were weaving a crown to be placed on the head of the Creator (cf. כתר יתנו לך וכו'). Already in Ḥullin 91b, bottom, the Ḳedushah of the angels is stated to be dependent on the Ḳedushah of Israel (so in MS. Munich: ואין מלה"ש אומרין שירה למעלה עד שיאמרו ישראל שירה למטה).[37a] Three groups of angels are supposed to take their turn daily when reciting the Trishagion, the first one starting with Sanctus, the second repeating it twice and the third one three times finishing off the whole verse as given in Isaiah whereas Ezek. 3.12 is recited by the Ofanim and the Ḥayyot.[38] From this Talmudic passage it would seem that the Trishagion in heaven was recited only once daily and yet in the synagogue the custom developed to repeat the Trishagion three times daily. Thus in Targum Sheni (to ch. 5.1) we read in Esther's prayer: דאין ישראל יבדון מן עלמא, מן יימר קדמך קדוש קדוש קדוש בכל יומא תלת זמנין. This threefold recitation is also mentioned several times in the mystical writings, cited first by the Geonim but probably dating from earlier times (the so-called Hekhalot writings).[39] Of these three occasions two would be the Ḳedushot of Shaḥarit and Minḥah[40] whereas the third is dubious. Actually the Babylonian ritual has in the daily Shaḥarit alone three Ḳedushot, viz. קדושה דיוצר, קדושה דעמידה and קדושה דסדרא, which with the Minḥah Ḳedushah increase the occasions to four. On Sabbaths, including the קדושה דסדרא recited on מוצ"ש, the number grows to six.[41] This increase is traced to times of persecution and will be discussed forthwith after considering first the importance of the Trishagion in the Christian liturgy.

[37a] In the so-called Pirḳe of R. Eliezer (in *Pseudo-Seder Eliahu Zuta*, ed. Friedmann, p. 47) this statement is attributed to R. Eliezer the son of R. Yose the Galilean.

[38] Cf. Hullin 92a top ברוך" אופנים הוא דאמרי לה.. See 'Amram, ed. Warsaw, I, 4b, where the passage is attributed to R. Ishmael and where it ends והאופנים וחיות הקודש עונין אחריהם ברוך וכו, and 10b.

[39] See Hekhalot Rabbati (in Eisenstein's אוצר מדרשים, I, 111b ff) 3.2; 3.3: שלשה פעמים בכל יום... שפותחין פיהם לומר קדוש בשעה שישראל אומרים לפניו קדוש; ch. 9. 2–3: ברוכים לשמים יורדי מרכבה אם תאמרו ותגידו לפני מה אני עושה בתפלת שחרית ובתפלת המנחה וערבית בכל יום ובכל שעה שישראל אומרים לפני קדוש... ג' פעמים שאתם אומרים לפני קדוש (the parallel passage in 'Amram I, 4a, rightly omits

2. In the Christian liturgy the Trishagion (or Tersanctus) also has a prominent role. It is interesting that in the Eastern liturgies[42] the proper Trishagion has the following remarkable form: Holy God, holy strong, holy immortal, have mercy upon us (ἅγιος ὁ θεός, ἅγιος ἰσχυρός, ἅγιος ἀθάνατος, ἐλέησεν ἡμᾶς). Drews (in Herzog-Hauck, *Realienencyklopädie f. prot. Theol. u. Kirche*, 3rd ed., XX, 125 ff.), while rightly arguing that the Trishagion was taken over by the Church from the Jewish liturgy going back to the earliest times (ibid 127, l. 19 ff.)[43], has difficulty in explaining the above form of the Trishagion (ibid., p. 128). A legend connects its origin with an earthquake in Constantinople

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the word וערבית; see also שבה"ל, ed. Buber, p. 19); ch. 10, end; 11.3: בכל יום ויום בהגיע עלות השחר; 11.4: בכל יום ויום בהגיע תפלת המנחה; 18.3. The theme of the Ḳedushah of the angels being dependent on the Ḳedushah of Israel is further developed ibid., p. 122b, 123a, b. Another mystical text (ibid. 110a) speaks of angels reciting the Trishagion from morning to evening while others repeating ברוך from evening to morning. This idea is found already in S.E.R., ed. Friedmann, pp. 34, 84, 163, 193. Cf. also Midr. Ps., c. 19, ed. Buber, p. 166. Already in the book of Enoch (39.12) we read of angelic "watchers" ("those that never sleep" = עירין) who recite the Trishagion before God.

[40] See preceding note.

[41] See Elbogen, p. 67.

[42] Cf. the so-called early liturgy of James (in *Writings of Ante-Nicene Fathers*, VII, p. 538, col. 2) and the so-called liturgy of Mark (ibid., p. 553, col. 1). See also p. 557. Osterley in his new book (*The Jewish Background of the Christian Liturgy*, Oxford, 1925, pp. 142–147) has entirely failed to consider the problem discussed here.

[43] Drews (p. 127, ll. 50–51) is of course incorrect in assuming that the Trishagion was recited already in the time of Jesus in the first benediction before the Shema', hence the so-called קדושה דיוצר (see *infra*. p. 274). The earliest Ḳedushah was the one in connection with the third benediction of the 'Amidah known as קדושת השם.

between the years 434–446. Drews thinks that it is older than the 5th century and yet cannot be granted much antiquity. "It is certainly not Jewish in origin because to call God ἀθάνατος is not Jewish but Greek. However why just this combination of the attributes "strong" and "immortal" was chosen and why this formula was afforded a place in the mass, is impossible to explain."

An examination of the Targumic paraphrase of Is. 6.3 will, however, reveal the fact that the above form of the Trishagion is a re-formulation of the Targumic form in the sense of the Trinity. That Is. 6.3 was taken by the Christian divines to refer to the trinity is well-known (so, e. g., Origen and Gregory Nazianzen).[44] The trinitarian interpretation of the Trishagion is also evident from the fact that all Eastern Christian liturgies have the end of the verse of Is. 6.3 (מלא כל הארץ כבודו) in the form "heaven and earth are full of Thy glory" (see Drews, ibid, p. 126, l. 15ff., who offers no explanation for the leaving out of כל, πᾶσα). It seems to me that this was taken to refer to Jesus sitting in heaven at the right hand of God. It was at a time, when Christianity was not yet triumphant in the Roman Empire so that "the *whole* earth" could not yet be full of Jesus' glory, that in the Christian liturgy this sentence was remodeled in a general way to denote "heaven and earth are full of thy glory." Be that as it may, Targum paraphrases Is. 6.3 in the following threefold division: קדיש בשמי מרומא עלאה בית שכינתיה, קדיש על ארעא עובד גבורתיה, קדיש לעלם ולעלמי עלמיא, י"י צבאות מלוא כל ארעא זיו יקריה. It is remarkable that in the second sanctus reference is made to the earth "the work of His *power* (δύναμις)" and in the third we have an allusion to his everlastingness. That the attributes "strong" and "immortal" (i. e. everlasting) in the second and third Christian sanctus respectively are parallels to God's "power" and "everlastingness" in the Targum is strikingly evident. Of course in the Targum these attributes are conceived in a sense of the absolute unity of God whereas in the Christian formula of the Trishagion they assume aspects of the Trinity. Without going into a discussion of the complicated development of the idea of the Trinity, it suffices to state that Jesus was regarded as the incarnation on earth of God's Logos and that the Holy Spirit formed a third element through the fellowship of which the believer became united with Jesus (see Hasting's *Encyclopedia of Religion and Ethics*, s. v. Trinity, XII, 458, col. 2, top.).[35] Now the Logos idea, was taken over from Philo who termed the Logos "the *power* (*ϑύναμις*) of God or the acting divine wisdom."[46] In Christian thinking Jesus became "the *power* and the wisdom of God" (so Paul in 1 Cor. 1.24: *χριστόν θεοῦ ϑύναμιν καί θεοῦ σοφίαν*, see also verse 18). Hence in the second sanctus "holy strong" alludes to Jesus the embodiment of God's power (dynamis) while in the third "holy immortal" refers to the Holy Spirit by which the believers share in immortality.

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[44] See Diestel, *Gesch. d. Alten Testaments in d. Christl. Kirche*, p. 122.

3. The above Targumic paraphrase has an evident polemical point. It has a distinct allusion of to the idea of God's "power" (גבורה, *ϑύναμις*) which was connected with the Philonic Logos.[47]

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[45] See further Harnack, *Dogmengeschichte*, 4th ed., p. 213 ff.

[46] About Philo's idea of the Logos see Zeller, *Philosophie der Griechen*, 4th ed. (1903), III, 2, pp. 418 ff. See also p. 417 about Philo's idea of two chief forces immanent in the Supreme Being the one being His mercy and the other His power; the former being the creative, beneficient, gracious and merciful force, the second being the royal, legislative and punishing force. God's mercy is called *θεός* while His power *κύριος*. This is akin to the Rabbinic idea of מדת רחמים and מדת הדין the former being designated by the Tetragrammaton and the second by Elohim (see, e.g., Gen. R., c. 33: בכל מקום שנאמר ה' מדת רחמים . . . בכל מקום שנאמר אלהים הוא מדת הדין)

About the various conceptions of the "great dynamis" of God, the Logos, see further M. Friedländer, *Synagoge u. Kirche*, pp. 9, 77, 84, 88, 90, 93, 129–30, 226 ff.

[47] Of course God is frequently spoken of in the Bible as "mighty" (גבור) and so also in the Talmudic literature; cf. e.g. the characteristic passage in Yoma 69b, as to what constitutes God's power (גבורה) in connection with the phrase at the beginning of the 'Amidah האל הגדול הגבור והנורא (cf. Deut. 10.17). But the allusion in Targum to the world as "the work of His power" (עובד גבורתיה) is evidently a reference to the "great dynamis," the Logos, which Philo regarded as the instrument by which God created the whole world. (See the references cited by Zeller, ibid., p. 420, note 1).

The influence of Philo's idea of the dynamis can also be detected in the attribute גבורה recurring many times in the Rabbinic literature as a synonym for God (see e. g., Makk. 24a, top: אנכי ולא יהיה מפי הגבורה שמענום; Sabb. 88b: כל דיבור ודיבור שיצא מפי הגבורה parallel to כל דיבור ודיבור שיצא מפי הקב"ה As is well-known the dynamis plays a role in the Ḳabbalah as one of the ten emanations (Sefirot). However, the matter cannot be discussed here in detail.

When it originated is difficult to say. Of course the Targum on the Prophets is traditionally attributed to Hillel's prominent disciple, Jonathan b. 'Uzziel (first half of 1st century, C. E., Meg. 3a). It is assumed that this Targum was adopted in Babylon in the third century as the official translation of the synagogue and that it was revised there to meet the linguistic pecularities of the Babylonian Aramaic. The Amora R. Joseph of Pumbedita seems especially to have devoted attention to this Targum, doing perhaps the revision work, and hence it is sometimes cited in his name (see Bacher, *J. E.*, XII, 61a, b). Whatever may be the veracity of the tradition assigning the Targum on Prophets to Jonathan, the above paraphrase could hardly emanate from him as it is unlikely that he already would allude to the Philonic Logos, not to speak of going further to combat the Christian idea of Trinity which was yet in its embryo. But it is evident that this paraphrase was used in the synagogue in connection with the Trishagion to combat the idea of the Trinity. It is significant that in the so-called קדושה דסדרא, whose origin is connected with a persecution prohibiting the recital of the Ḳedushah (to be discussed forthwith), Is. 6.3 is given in Hebrew together with this Targumic paraphrase (and likewise the accompanying verse of Ezek. 3.12). Already R. Naṭronai Gaon (6th decade of 9th century) was asked for a reason for this Aramaic translation of the Ḳedushah (ג"ל, No. 90) who, however, failed to give a satisfactory answer (as will be shown further on). The reason after our above discussion is self-evident. It was to emphasize the Jewish interpretation of the Trishagion as against the Trinity. Later on the Targumic paraphrase was recited softly (בלחש) as it was found in Christian countries advisable not to proclaim in a loud voice (בקול רם) such a manifest public declaration of faith.[48]

That the spokesmen of the church, powerful in Byzantium which ruled over Palestine, should have objected to this Jewish emphasis of the Trishagion is only natural. Indeed several reports speak of the prohibition of the Ḳedushah a substitute for which was found by the Rabbis in the קדושה דסדרא beginning with ובא לציון in order to circumvent the decree of the government. The term קדושה דסדרא occurs only once in the Babylonian Talmud (Soṭah 49a) without any indication of its contents. One could argue that there the term means the Ḳaddish which, as is evident from the phraseology of the Gaonim, also was connected with the act of sanctifying God.[49] It would fit in there in the context, viz. that after the study of a *Halakhic* theme (סדרא)[50] in the synagogue the full Ḳaddish was recited beginning with יתגדל ויתקדש whereas after an Aggadic theme (אגדתא), viz. a sermon delivered by the preacher, who usually concluded his theme with a reference to the Redemption (גאולה or נהמה) expressing his prayerful wish that it speedily arrive, the last word of the speaker "Amen" would be taken up by the listeners with the exclamation אמן יהא שמיה רבא וכו'.[51]

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[48] See Vitry, pp. 73–4: ג' מקראות הללו (ובא לציון, ואני זאת בריתי, וקרא זה אל זה) אומר ש"צ בפני עצמו כל אחד ואחד והציבור עונין אחריו על כל אחד ואחד... ג' מקראות הללו אומר שליח ציבור בקול רם והשאר בלחש עם הציבור, ומקבלין דין מן דין וכו'. Graetz, *M. G. W. J.*, 1887, 553, rightly surmised the polemical point contained in the Aramaic paraphrase without, however, realizing its full significance. Yet he expressly threw out his suggestion for further examination by others (see p. 552, bottom).

4. However, there is evidently a genuine tradition behind the identification of קדושה דסדרא with the section known in the ritual as ובא לציון, though the real meaning of the term seems to me to have been hitherto misunderstood. Let us at first cite what the authorities of the Gaonic period reported as to its

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[49] See R. Naṭronai's responsum (in ג"ל No. 90): ת"ח כשהיו מתפללין ונופלין על פניהן ומקדשין (=ואומרים קדיש)... ואח"כ מקדשין (read ומקדשין) ועוסקין בתורה. Likewise in 'Amram, ed. Warsaw, 18a: ומקדש עד "לעילא"; 19a; ומקדש ש"ץ; 25b: ומקדש עד "עשה שלום"; 29b; ולאחר סיום הברכה מקדש השליח; see also 30a, 31a.

[50] סדרא here would then mean סדר הלכות. Thus a scholar who knew how to present the Halakhot in order was called סדרן (סודרן, see Bacher, *Exegetische Terminologie*, II, 136). As is well known, in Babylon, before it had its two organised schools in the 3rd century, the leader of the scholars in Nehardea was called ריש סדרא (see Sherira's Letter, ed. Lewin, 78, 80).

[51] The full Ḳaddish after study of Halakhot seems to be indicated in S. E. R., ed. Friedmann, p. 31: מיכן אמרו קורא אדם תורה ונביאים וכתובים ויודע להשיב בהם, ישמרם בידו ויברך וישבח ויגדל וירומם ויקדש לשמו של מי שאמר והיה העולם, הקב"ה, ואין צריך למי ששונה הלכות. On the other hand cf. Kohel. R., 9.15: בשעה שהזקן יושב ודורש ועונין אחריו אמן יהי שמו הגדול מבורך (cf. Midr. Prov. c. 10, ed. Buber, 66) and still more explicitly in Midr. Prov., c. 14 (ed. Buber, 75): בשעה שישראל נאספין בבתי כנסיות ובבתי מדרשות ושומעין אגדה מפי חכם, ואח"כ עונין אמן יהא שמיה רבא מבורך.

meaning and its origin. On the one hand its origin is ascribed to a persecution which involved the prohibition of the Ḳedushah. Thus in a responsum evidently emanating from Ṣemaḥ b. Palṭoi, Gaon of Pumbedita (872–890 C. E.), where it is not indicated which Ḳedushah was proscribed.[52] The same account is found in a more expanded form in Or Zaru‘a (II, 11c) where it is cited as a quotation from ספר המקצועות.[53] There is further an account, evidently not Gaonic, which connected קדושה דסדרא with the prohibition of the reading of the Torah with its Aramaic translation[54] —a seemingly absurd combination which, however, will be seen further on to have its own explanation.

On the other hand R. Naṭronai of Sura tries to connect this Ḳedushah with the former custom of extensive study by scholars after the service which study had to be given up owing to economic reasons in order that the worshippers be not detained too long in synagogue when due to attend to their making a living.[55] The whole account does not explain in the least the insertion of the Ḳedushah after the completion of the ordinary Tefillah whether we consider the earlier custom or the later one and yet this has been taken by modern scholars as a true explanation of קדושה דסדרא.[56] Rashi tried to combine both accounts and only added to the confusion of the problem. The two verses Is. 6.3 and Ezek. 3.12, to which R. Naṭronai clearly refers as having been retained even after the reading from the prophets had been given up, became to Rashi ובא לציון and ואני זאת בריתי whereas the Ḳedushah verses themselves were really due to a persecution.[57] The same unwarranted combination of the different accounts we have noticed above (p. 359) in connection with the insertion of the Shema‘ in the Ḳedushah of the ‘Amidah. Now if the Ḳedushah has also been prescribed by Byzantium, what becomes then of the report of the insertion of Shema‘ within it by reason of government prohibition? No wonder then that owing to this vicious circle all the accounts relating to שעת השמד have been suspected by modern scholars.

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[52] לקוטי הפרדס, 9a, where the passage וששאלתם seems to be a continuation of the previous responsum by Isaac Ṣemaḥ (b. Palṭoi), Gaon of Pumbedita (971–90). It reads: וששאלתם: למה אומרים קדושה דסידרא? פעם אחת גזרה מלכות הרשעה שלא יאמרו ישראל קדוש, והיו יושבין שלוחי מלכות עד שמסיימין התפלה והולכין, ואח"כ היו נכנסין לבתי כנסיות היו פותחין בגאולה ואמ' (r. ואומרין) פסוקי דרחמי וכוללין קדושה באמצע כדי שלא תסתלק מפיהם. The following passage, beginning with נראה לרבי, is Rashi's explanation, who tried to unify the various accounts, as will be seen forthwith. This responsum does not state which Ḳedushah was prohibited. Only Rashi explains that it refers to the Ḳedushah of ‘Amidah evidently taking the phrase שמסיימין התפלה to mean the ‘Amidah whereas it really means the whole service. Rashi's explanation is also repeated in Vitry, 108; Siddur Rashi, 217–18; Pardes, ed. Ehrenreich, 305–6. See also שבה"ל, p. 38. Also R. Isaac Ab-Bet-Din of Narbonne (האשכול, I, 33) took over Rashi's explanation but for the Targumic paraphrase gives an explanation that it was done for ignorami. He then gives another explanation for קדושה דסדרא which shows how uncertain he was in understanding the whole matter.

[53] ועוד כתב בספר המקצועות דסדר קדושה נמי גזרו (r. גזרה) מלכות הרשעה דלא למימר קדושה. מה עשו כשרים שבאותו הדור? כיון שהולכין שלוחי מלכות נכנסין לבתי כנסיות ומתחילין פסוקי גאולה ובא לציון גואל, ואני זאת בריתי, ואתה קדוש, ואומר כעין קריאה וקרא זה אל זה ואומר קק"ק, וחוזרין ומתרגמין לה לקדושה ומקבלין דין מן דין ואמרין, ואומר פסוקי דקדושה אחריתי עברי ותרגום וכו'.

[54] In Kobak's *Jeschurun*, Hebrew part, VI, 126–7, Halberstam edited from a MS. a passage evidently emanating from R. Eli‘ezer Roḳeaḥ, who first cited a Gaonic responsum (מצאתי בתשובות הגאונים) about this Ḳedushah (similar to R. Naṭronai's in ג"ל, No. 90) and then adds: ועוד שמענו שגזרה מלכות הרשעה שלא יקראו בתורה ויתרגמו וקבעו חכמים שבדור לומר יענך ה' ביום צרה כל המזמור ולומר וקרא זה אל זה, ותשאני רוחי, ולתרגם אותם.

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[55] ג"ל No. 90: לרב נטרונאי: ששאלתם וקרא זה אל זה ואמר, ותשאני רוח, מה טעם יש שם לקרות ולהרגם? ומה טעם קבעו אותם חכמים בסדר קדושה? (as if it could be called סדר קדושה without these verses) כך מנהג ראשונים: מקום שיש שם ת"ח כשהיו מתפללין ונופלין על פניהם ומקדשין, לאחר שעונין אמן יהא שמיה וכו' מביאין נביא וקורין בו י' פסוקים, הן חסר הן יתר, ומתרגמין אותן, ואח"כ אומרים וקרא זה אל זה ואמר ומתרגמין כשם שתרגמו אותה פרשה של נביא, ואומרין ותשאני רוח ומתרגמין אותו כדי לסיים בשבחו של הקב"ה, ואח"כ מקדשן (r. מקדשין) ועוסקין בתורה, הרוצה במשנה עוסק, הרוצה בתלמוד עוסק... וכין שרבתה עניות ודלות והוצרכו תלמידים להתפרנס ממעשה ידיהם נסמכו על התלמוד בלבד ועזבו מקרא ומשנה... ועקרו לקרות בנביא בכל יום אחר תפלה, ואע"פ שעקרו לקרות בנביא אותן שני פסוקים לא עקרו אותם ועדיין קבועים ועומדים. ומפני מה לא עיקרום שקדושה משלשת היא קק"ק ושלשה ג"פ בתפלה.

The same responsum is ascribed in ש"ת, No. 55, to Hai. See further Vitry, p. 26.

[56] See Elbogen, 79, and Ginzberg, *Geonica*, II, 299.

[57] Cf. the whole passage in לקוטי הפרדס, 9a: נראה לרבי שסדר הקדושה שאנו אומרים בתוך ובא לציון בבקר בשעת השמד תיקנוה שגזרו המינין בהם שלא לענות קדושה באגודה אחת בתוך י"ח ברכות, ולאחר שעה שכבר הלכו משם האורבים היו אומרים מקראות הללו של קדושה ליחד השם (so Rashi realized the point against the Trinity). Then he begins to recapitulate the other argument: ומתחלה היה להם מנהג לשהות שעה אחת בבית הכנסת אחרי תפלתם וכו' אבל בנביא עקרו, ואעפ"כ היו קורין בנביא אלו שני פסוקים ובא לציון גואל, ואני זאת בריתי שיש בהם מאין (read מעין) קריאת התורה... ועדיין הם קבועים במקומם... עוד הוסיפו לומר בכל יום וקרא זה אל זה ואמר זהו הטעם שאמרו (read שאמרנו) שלא היו יכולין לומר קדושה בתוך התפלה בחטיבה אחת מפני שהאורבים היו שם וכו'. See further the parallel passages given above, note 52, end.

5. In my opinion קדושה דסדרא *originally* meant *in Palestine* the Trishagion recited after the Shema' at the taking out of the Scroll on Sabbath mornings for the purpose of reading the portion (סדר, סדרא) of the respective week. That the weekly portion of the Torah in the Triennial Cycle prevalent in Palestine was known as סדרא is well established (see, e.g., the references given by Bacher, *Exeget. Terminologie*, II, 134). What more appropriate psychological occasion could there be for emphasizing the doctrine of the unity of God than at the taking out the Torah—that very Torah which Christianity claimed to have been superseded by the new dispensation—to recite the first verse of the Shema' and in connection therewith to reiterate the Trishagion with its Targumic paraphrase as not indicating the Trinity but rather being in accord with the strict Jewish conception of monotheism? Thus quite early in the Christian period the spiritual leaders of Palestinian Jewry must have ordained to bring emphatically the basic principle of Judaism to the notice of the worshippers assembled for the divine service on Sabbath morning. Then came the reading of the Torah with its Aramaic translation, likewise the prophetic lesson with its Aramaic Aggadic paraphrase and finally on the basis of the Scriptural readings the preaching and teaching of the Rabbis ending usually in depicting the Messianic age or alluding to the coming of the redeemer to Zion (ובא לציון גואל) which the worshippers would fervently take up with אמן יהא שמיה רבא מבורך eulogising God as above all human praises and pictures of consolation of Israel (לעילא מכל ברכתא ושירתא, תושבחתא ונחמתא).[57a]

Now that some such introduction and conclusion of the Scriptural readings were in vogue in the Palestinian ritual can still be detected from the scattered data. Above (p. 259 ff.) the insertion of Shema‘ at הוצאת ס"ת, preserved in *Soferim*, 14.8–9, has been discussed. It was based on a characteristic interpretation of the passage in the Mishnah המפטיר בנביא הוא פורס על שמע. Now *Soferim* continues to describe this ceremony of taking out the Scroll by stating that after the Shema‘ the Mafṭir continues with a formula which resembles the Trishagion (14.10: וחוזר ואומר אחד אלהינו גדול אדונינו קדוש, אחד אלהינו רחום אדונינו קדוש, אחד אלהינו גדול אדונינו קדוש ונורא שמו)[58]. The author explains this threefold sanctification to correspond to the three patriarchs (כנגד שלשה אבות) but more correct is the alternative reason as corresponding to the threefold sanctus (וי"א כנגד שלש קדושות).[59] At the recital of the Shema‘ and the subsequent threefold yet monotheistic sanctification of God the Scroll was lifted up to make the ceremony still more impressive (14.11 end: וצריך להגביה את התורה בשמע ישראל ובאלו ייחודין שלשה ובגדלו ליי אתי).

[57a] These four words indicate the contents of the service preceding this eulogy of God, viz. the various benedictions, the lectionaries from Scripture and the other praises, which were recited from the beginning of the morning service till the sermon of the preacher which contained 'consolations' (נחמות) probably in connection with the Hafṭarah of the week.

The ritual in *Soferim* evidently represents already a modification by actually omitting the Trishagion with its Targumic paraphrase. This was the modified form already during the Muslim period after the vicissitudes of the custom as a result of the government proscription in the Byzantine period. For, such a custom as suggested above must have strongly offended the authorities when Byzantium became the champion of the Church. It is difficult to ascertain when the government stepped in to regulate the Jewish divine service according to its notions. The first definite information dates from 553 when Justinian issued his famous Novella concerning the Deuterōsis (though other interferences may be earlier). As a supplement of this edict then the Shema‘ and Ḳedushah (קדושה דסדרא!) at the taking out of the

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[58] The usual editions of Mas. Soferim have shortened this threefold sanctification but one MS. and the quotation in *Or Zaru‘a* have the full text (see Müller's note 39 on p. 195) which is evident also from 14.11; אלו ייחודין שלשה. Interesting is the reference to God as "merciful" in view of the Christian version of the Trishagion ending with "have mercy upon us" (above p. 263)!

[59] To explain that the author refers to the three Ḳedushot recited on Sabbath morning (קדושה דיוצר, קדושת שחרית וקדושת מוסף) would pre-suppose him following the Babylonian custom for which there is no evidence. In Palestine Ḳedushah was only recited in the Shaḥarit ‘Amidah while קדושה דיוצר is also missing in the Genizah liturgical fragments of the Palestinian ritual (see *infra*, p. 274).

Scroll had to be omitted. With the preachings of the Rabbis also proscribed, the subsequent Ḳaddish with אמן יהא שמיה רבא went too. Hence the report in the name of R. Benjamin b. Abraham ʽAnav (the same who reported about the insertion of Shemaʽ in לעולם יהא אדם, above p. 247) of a prohibition of the Ḳaddish in the Hebrew language.[60] The reason given is not very convincing but the tradition of a proscription of אמן יהא שמו הגדול מבורך seems to have some plausible basis because it followed the preachings (Deuterōsis) of the Rabbis.[61] Our explanation of קדושה דסדרא as the Trishagion recited at הוצאת ס"ת explains also its reported connection with the prohibition of the reading and the translating of the Torah (above p. 268).

The ordinary Ḳedushah in the ʽAmidah of Sabbath Shaḥarit was probably not proscribed as it contained merely Is. 6.3 and Ezek. 3.12 to which Christianity could not object as it too was having the Trishagion in its liturgy. It was therefore used by the Rabbis as a place wherein to insert the beginning and the end of the Shemaʽ which had been prohibited. It was done secretly and slurred over in the intonation of the Ḥazzan (as described above, pp. 252). But the קדושה דסדרא found now its place in ובא לציון which was probably instituted at Sabbath Minḥah before קה"ת.[61a]

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[60] שבה"ל, ed. Buber, p. 9: (cf. הניא, ed. Hurwitz, p. 6d)I: ורבי בנימין אחי נר"ו כתב: שתחלת אמירתו היתה בלשון עברי כמו שאמרנו למעלה: ולא עוד אלא שבכל שעה שישראל נכנסין לבתי כנסיות ולבתי מדרשות ועונין „אמן יהא שמו הגדול מבורך" (ברכ"ת, ג', ע"א), ובכמה מקומות מצאתי באגדה נמצא בלשון הזה. ובימי שמד גזרו שלא יאמרו „שמו הגדול מבורך" לכך הנהיגו לאמרו בלשון ארמי שלא היו האויבים מכירין בו. ואע"פ שבטלה (read שבטל) השמד, לא רצו להחזיר הדבר לישנו בלשון עברי כדי שלא ישתכחו הנסים והנפלאות וכדי לעשות פומבי לדבר. The French authorities did not know of such an explanation. Hence Tosafot (Ber. 3a bottom) explains הקדיש נתקן בלשון תרגום בעבור ע"ה whereas another, rather mystical, reason is given on account of the "serving angels" (*Pardes*, ed. Ehrenreich, p. 326: ואם ישאל אדם: למה אומרים בלשון ארמי הקדיש? כדי שלא ירגישו מלה"ש ששמו של הקב"ה הוא חסר שמא יחרבו את העולם. לכך אנו אומרים בלשון ארמי כי אינן מבינין אלא לה"ק בלבד וכו', see also לקוטי הפרדס, 7d, 8a). Cf. further Abudraham, ed. Prague 1794, 21b bottom, 22b.

[61] See also Pool, *The Old Jewish-Aramaic Prayer, the Ḳaddish*, 1909, p. 20.

[61a] With regard to ובא לציון on Sabbath Minḥah there was a difference of custom in Babylon; in Sura and all over Babylon it was recited after the reading of the Torah whereas only in the school of Pumbedita this was done before קה"ת (see Genizah responsum cited by Mann, 317, note 108: במנחה בשבת שני מנהגין יש: בישיבה שלנו (i. e. Sura) ובבבל כולה קורין בתורה ואחרי כן אשרי ובא לציון.

This service was not watched by the government as it contained nothing objectionable. The above whole ceremony in connection with the taking out of the Scroll was only at Shaḥarit as evident from the fact that it was assigned to the Mafṭir. There was no Hafṭarah in Palestine at Sabbath Minḥah (unlike Babylon, see *infra*, p. 282 ff.). Hence the authorities could be outwitted by having at Minḥah ובא לציון with Ḳedushah and its Targumic paraphrase. This explains the reports that people would assemble again in the synagogue (see notes 52 and 53), viz. for Minḥah service after having had their Sabbath meals soon after midday.[62]

Thus קדושה דסדרא was originally a Palestinian custom for Minḥah on Sabbaths. In Babylon there was no need for the whole ceremony at הוצאת ס"ת because her Jewry had not the same problem of emphasizing the unity of God in the Trishagion. The insertion of Shema' at the taking out of the Scroll was probably never adopted there because the Mishnah המפטיר בנביא הוא פורס על שמע was interpreted differently (see above p. 260). Moreover since Yezdejerd's prohibition of the Shema' (above p. 256) it was not found advisable to add it at the taking out of the Scroll as it might endanger the whole reading of the Torah. Hence it is not mentioned in the Babylonian ritual in this connection though אחד אלהינו גדול אדונינו קדוש ונורא שמו is still preserved in 'Amram (ed. Warsaw, p. I, 24a) as a relic of the Palestinian custom (or it may be it was taken over later on in the Muslim period). But קדושה דסדרא in ובא לציון, as it had been evolved in Palestine, found

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ובישיבה פום בדיתא קורין כולא סידורא (viz. ובא לציון) ומקדשין ואומ' עד עושה [ש]לום וקורים בתורה ומקדשין בתפלה (viz. end of Ḳaddish). It seems that Pumbedita followed here the Palestinian custom as was the case also with another liturgical item, viz. אהבת עולם and not אהבה רבה as the beginning of the second benediction before Shema' (see Mann, 291).

[62] The custom of holding the Sabbath morning service till noon is reported by Josephus (*Vita*, 54, 279), in describing the political meeting held in a synagogue (proseucha) at Tiberias on a Sabbath (evidently in connection with the service) during his governorship in Galilee (67 C. E.) which grew excited and "had certainly gone into tumult, unless the sixth hour (i.e. noon-time) which has now come, had dissolved the assembly, at which hour our laws require us to go to dinner on Sabbath-days." Cf. further R. Joshua's statement with regard to Yom Tob (Beṣah 15b): חלקהו חציו לה' וחציו לכם. For this arrangement evidently the description of the service on 1. Tishri in Neh. 8. 3, 10–12, served as a model.

entrance in Babylon and it was even introduced for weekdays after Shaḥarit. There set in a desire of having three times Ḳedushah in Shaḥarit (viz. קדושה דיוצר, קדושה דעמידה and קדושה דסדרא).[63] Altogether the Trishagion for mystical purposes was more solemn in the Babylonian ritual than in the Palestinian. Thus Abraham Maimuni reports that in the Babylonian synagogue in Fusṭāṭ the Ḳedushah of the ʻAmidah was recited standing whereas in the Palestinian synagogue sitting (see *J.Q.R.*, V, 421–2). This difference in custom evidently went back to earlier times as prevalent in the respective countries Babylon and Palestine.[64] Moreover in Palestine the Ḳedushah was at all omitted during weekdays (see above, p. 255, note 37) though this may have been a result of the proscription of the daily ʻAmidah. Also Ḳedushah of Yoṣer is missing in the Palestinian ritual and seems more likely to be a Babylonian innovation (see Mann, pp. 289–90).

6. This seems to me to be the only plausible explanation of this whole complicated problem of קדושה דסדרא. It reconciles the various accounts and renders them more or less intelligible. There remains only to discuss briefly the passage in Soṭah 49a wherein this Ḳedushah is mentioned as a unicum. The Mishnah (48a) contains a statement by Simon b. Gamliel, in the name of Joshuʻa b. Ḥananya, that since the destruction of the Temple no day passes without some evil event (מיום שחרב בהמ"ק אין יום שאין בו קללה) evidently referring to conditions in Palestine. Thereupon Raba, head of the school of Meḥuza in Babylon (337–352 C. E.), remarks that the curse of each succeeding day is greater than that of the previous one (49a: בכל יום ויום מרובה קללתו משל חבירו). Now conditions of Jewish life in Babylon were not so bad in his time. It was the reign of Shāpūr II whose mother, Iphra Hormuzd (אפרא הורמיז), especially befriended the Jews.[65] It is true that Raba

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[63] Cf. note 55, end.

[64] Just the reverse was the custom with regard to the Shemaʻ which the Palestinians recited standing but the Babylonians sitting (see חלוף מנהגים, ed. Müller, p. 10; *Gaonic Responsa*, ed. Harkavy, p. 399; Finkelscherer, *Lewy Festschrift*, 255).

[65] See B. B. 8a, bottom, and 10b, bottom. When Raba drew upon himself the wrath of Shāpūr because a Jew, whom he had sentenced to be flogged, died as result thereof, Iphra Hormizd dissuaded her royal son from prosecuting Raba (see Taʻan. 24b and cf. Mann, הצופה לחכמת ישראל, X, p. 204–6).

complained of heavy expenses to keep the authorities in good humor[66] but, compared to contemporaneous conditions in Palestine during the reign of Constantius, the Babylonian Jews could regard themselves rather fortunate. It seems therefore that in commenting on the statement of the Mishnah, Raba was likewise thinking of conditions in the Holy Land. He was well informed about them from the Babylonian scholars studying in Palestine who had to come back to their native country right from the beginning of Constantius' reign owing to persecutions.[67] He too was informed of the difficulties which the Patriarch was experiencing with regard to the fixing of the calendar (Sanh. 12a). How appropriate then was Raba's comment on R. Joshua's remark about conditions in Palestine since the destruction of the Temple that, as things were in his own time in the Holy Land, the evil ('curse') seemed to grow from day to day!

After Raba's comment we have the passage: ואלא עלמא אמאי קא מקיים? אקדושה דסדרא ואיהא שמיה רבא דאגדתא שנא' ארץ עפתה כמו אפל ולא סדרים (איוב, י', כ"ב), הא יש סדרים (רש"י: סדרי פרשיות דתורה!) תופיע מאופל. It is evident that the "world" means here the Jewish world and that there is a poignant allusion to the chaotic conditions in Palestine owing to the persecutions. The question is whether this passage is a continuation by Raba himself or is a later addition by the redactors of the Talmud or even by the Saboraim. It seems to imply the proscription of קדושה דסדרא

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[66] Hag. 5b, top: אמר (רבא) להו (לרבנן): מי ידעיתו כמה משדרנא בצנעא בי שבור מלכא?

Of course since 337 or 338, when Shāpūr started his long drawn war against the Byzantine Empire, the Jews in Babylon were subjected to heavy war expenses together with the rest of the population but of a religious persecution there is no evidence. As a matter of fact while the Christian population in Babylon was heavily punished for its loyalty towards Christian Rome (since 339–40) the Jews were not molested (see Nöldeke, *Aufsätze zur pers. Geschichte*, 98–99). Cf. also Funk, *Juden in Babylonien*, II, 41–46, who, however, has overdrawn the picture and several of whose statements and supposed references have to be used with caution.

[67] The so-called נחותי דמערבא. Cf. Sherira's Letter (ed. Lewin, p. 61): ובתר הכי אביי ורבא ונפיש שמדא בא"י ואמעיטא הוראה תמן טובא, ונחית מן דהוה תמן מן בבלאי כגון רבין ורב דימי וכלהו נחותי דנחיתא להכא. Cf. also Halevy, דוה"ר, 366 ff., 455 ff., 467 ff., whose conclusions also need a critical sifting.

before the reading of the Torah and the Ḳaddish after the preachings of the Rabbis. These sanctifications of God recited under difficulties help to preserve the Jewish world intact. They seem to have been introduced already in Babylon, especially the form of קדושה דסדרא in ובא לציון as evolved in Palestine to outwit the authorities who prohibited it before the reading of the Law. In Babylon the קדושה דסדרא became a daily feature after the Shaḥarit service in connection with the study of the Bible and the Rabbinic tradition. If Raba is the author of this passage, we would have to assume the prohibition of קדושה דסדרא before קה"ת and its insertion in ובא לציון already in the time of Constantius for which, however, we have no direct evidence, though the general designation of his rule as time of שמד would render such an assumption possible. But it is more likely that the whole interference with the divine service of the synagogue dated from 553 in connection with Justinian's law about the Deuterōsis. Hence this passage in Soṭah 49a should be regarded as a later addition by the Saboraim, who realizing the significance of Raba's statement as reflecting conditions in the Holy Land in his own time, adjoined to it an item which resulted from Byzantine intolerance about two centuries later. By that time Babylonian Jewry too had undergone periods of persecutions under Yezdejerd II, under Perōz, and under Kavādh in connection with the movement of Mazdak. During these trials they saw their schools disbanded and their synagogues closed, the Shema' proscribed as well as the Hafṭarot from Deutero-Isaiah (see *infra*, p. 282 ff.), the Sabbath desecrated and even their children taken away from them to be brought up by the Magians. Though in the second half of the 6th century the force of Magian intolerance was not so oppressive, the Jewish position seems to have been still insecure. Sherira in his Letter reports of troubles and persecutions right down to the close of the Persian period which prevented the schools from functioning properly and altogether hampered the pursuit of the study of Judaism.[68] Hence in Babylon too the Jewish world was declared to exist on קדושה דסדרא and אמן יהא שמיה רבא after the sermons. These sanctifications kept alive in the hearts of the people the principle of monotheism and the hope of the Redemption. Thus the whole significant Talmudic passage in Soṭah 49a, when properly illumined, casts additional light on the problem of קדושה דסדרא as discussed in the previous pages.

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[68] See above, p. 258.

III

Objections to the Daily ʻAmidah.

1. The prohibition of reciting the daily ʻAmidah in Palestine is expressly reported by Yehudai Gaon (above p. 253, cf. note 15), no doubt owing to benediction 12, the well-known ברכת המינים, which in the Palestinian version had a direct reference to the Christians (הנוצרים). It is not stated since when this proscription came into force. Though Yehudai probably speaks of the last period of Byzantine rule in Palestine (since its reconquest from the Persians by Heraclius, 629), the prohibition may have been older and was re-enacted after the reconquest (see above p. 254). Epiphanius, himself a native of Palestine, in his famous work against the heresies (the Panarion, begun in 374) refers to this benediction recited three times daily and likewise Jerome who lived many years in Palestine (after 385 till his death in 420).[69]

In the absence of any definite information we have to assume that the prohibition started under Justinian about the same time when the Shemaʻ and the Deuterōsis were forbidden. But perhaps the references to this benediction by Epiphanius and Jerome caused the authorities to decree the proscription still earlier. What substitute was discovered by the Rabbis is also unknown. Should we say that the shortened ʻAmidah, three versions of which have been preserved in the Palestinian ritual for Minḥah,[70] originally served as a substitute for the proscribed full ʻAmidah? Later on in the Muslim period, when the full ʻAmidah could again be recited, these shortened ʻAmidot then were relegated to the Minḥah service. The direct reference to the Christians had in course of time to be omitted—as was only proper. How long the original form was preserved in Babylon is also difficult to say.

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[69] See the passages cited by Schürer, *Geschichte d. jüd. Volkes*, 4th ed., II, 544, note 161. Cf. also Krauss, *JQR*, V, 130 ff.

[70] See Mann, 300–302, 309–11.

Only one version of ʻAmram has a more or less similar formulation of the benediction to that of the Palestinian ritual.[71] In Babylon Jews and Christians were more friendly to each other especially since they would frequently share the common intolerance of Magian fanaticism. Therefore it may be assumed that the Jewish leaders found it advisable to leave out this obnoxious reference. The burden of the benediction was directed more against lawbreakers within the Jewish fold—informers, apostates, and heretics.[72]

2. From the statement of the Church fathers it is evident that the ʻAmidah was recited in Palestine also at Maʻarib though this was not obligatory (תפלת ערבית רשות). Now a report that is not earlier than the second half of the 13th century connects the third section in Maʻarib after the Shemaʻ, viz. the one beginning with ברוך י״י לעולם אמן ואמן, with the prohibition of the ʻAmidah. This passage was supposed to consist of verses mentioning the divine name 18 times corresponding to שמו״ע.[73] But it is rather strange that the Palestinian liturgy, as preserved in the Genizah, has not at all this passage[74] though, of course, it could be argued that it was omitted in the Muslim period when the ʻAmidah was reinstituted in Maʻarib. The Geonim speak only in a general way of the passage having been introduced by the later scholars (רבנן בתראי), viz. of the Saboraic period.[75] But Rashi was led into evolving a theory of how the Babylonian scholars composed this section and forwarded it as a gift to the sages of Yabneh in lieu of

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[71] See Marx, *Untersuchungen z. Siddur des Gaon R. Amram*, Hebrew part, pp. 5–6.

[72] The various forms of this benediction need not be discussed here. See Berliner, *Raudbemerkungen zum tägl. Gebetbuche*, I, 50 ff., and also the literature cited by Elbogen, 2nd ed., pp. 516, 519.

[73] See שו״ת רשב״א, I, No. 14: אבל ברכת המולך... יש בה י״ח הזכרות ונתקנה בימי
השמד שנזרו שלא להתפלל ועמדו ותקנו אותה ברכה שיש בה י״ח (אזכרות כמו י״ח (insert
ברכות שבתפלה, ואע״פ שבטלה גזרה. נשארה אותה ברכה ביד הדורות.
Abudraham, ed. Prague, 43a, quotes the same in the name of בעל המנהגות, viz Asher b. Saul of Lunel, author of ספר המנהגות, who lived in the 14th century (see Gross, *Gallia Judaica*, 281) and hence after Rashba (who died in 1310).

[74] See Mann, pp. 304–5, which is now modified by the present remarks.

[75] See Naṭronai's responsum in ʻAmram, ed. Warsaw, I, 25a, and ʻIttim, pp. 172–3. See also ʻAmram, I, 19a.

the שמו״ע received from them[76]—a theory that is impossible on the surface since the whole section is not mentioned in the Talmud at all. The Mishnah laying down the rule that at Ma'arib the Shema' should be followed by two benedictions (Ber. 1.4) would certainly not have overlooked the third section had it been already in the hands of the scholars of Yabneh. The Gaonic tradition of its later origin is correct though it need not have been composed in Babylon by the Saboraim but *in their time* in Palestine as a result of the prohibition of the 'Amidah, probably by Justinian, hence in the 6th century in the Saboraic period. This would be borne out by the report of Ibn Yarḥi (*Manhig*, p. 22b) who traces it to אנשי מערב, viz. the scholars of Palestine. The very fact that the sources speak of 18 אזכרות and not 19 (only Ibn Yarḥi has 19) would indicate a Palestinian origin where the 'Amidah consisted of 18 benedictions only. It is difficult to state certainties on this matter owing to lack of evidence but the Palestinian origin of ברכת המולך should not be ruled out of likelihood.[77] The section was taken over by the Babylonian Jews though they could recite the 'Amidah and hence it had been retained even later on whereas in Palestine it disappeared with the re-introduction of the Ma'arib 'Amidah after the conquest of the Holy Land by the Arabs. The report concerning the שמד, though mentioned first by R. Solomon ibn Adret, may go back to a much earlier source and need not have been invented by him especially as he was no doubt aware of the other explanations given for ברכת המולך.

IV

Changes in connection with the reading of the Torah ana the Prophets.

1. A restrictive regulation of the manner of reading the Torah and the Prophets was enacted by Justinian in the famous Novella 146 (in February 553). If we follow Juster's interpretation[78], the

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[76] See the curious passage in *Pardes*, ed. Ehrenreich, 304, Vitry, 78, *Siddur Rashi*, 213–14, שבה״ל, p. 21a (where it is expressly quoted in the name of Rashi).

[77] See Elbogen, p. 102–5, and notes (2nd ed.), p. 529, whose remarks on the problem are somewhat inexact.

[78] See Juster, *Les Juifs dans L'Empire Romain*, 1914, I, 369 ff. Juster (p.

dispute about substituting for the Hebrew reading with its Aramaic translation (Targum) a reading in the Greek language, as demanded by a number of Jews, gave the occasion to the Emperor, when the matter came to his notice, to regulate the divine service of the synagogue. While granting freedom to the worshippers to have the Bible read in the language understood by them, either in Greek in the translation of the LXX or in that of Aquila (but in no other version), or in Italian, he forbade at the same time the Deuterōsis, evidently meaning thereby the Oral Law which was the basis upon which the Rabbis developed their themes in addressing the worshippers after the reading of the Biblical lessons. In interpreting these lessons they would quote statements of the sages from Mishnah, Talmud or Midrash introducing them by a formula such as שנו חכמים or תנו רבנן, hence using the verb שנה (Aramaic תני) from which משנה = ϑευτερώσις is derived.[79] The prohibition of the sermons meant that the people were deprived of Halakhic instruction and of Aggadic emulation, for these usually formed the themes of the sermons in connection with a Rabbinic interpretation of the Biblical lessons

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370, note 3) argues (against Graetz) that the Greek was to supplant the Hebrew according to the demand of a minority section of the Jews. On the other hand Krauss (*Studien zur byz.-jüd. Geschichte*, pp. 58 and 60) follows Graetz's view that this demand, granted by the Emperor, meant only the elimination of the Targum and the substituting for it the Greek version side by side of the original Hebrew.

[79] In the writings of the Church fathers the term usually stands for Mishnah (see the passages cited by Juster, p. 372, note 6) which term denoted "the Oral Law and its parallel to מקרא, the term for Scripture and its study" (see Bacher, *Exegetische Terminologie*, I, 122). Cf. the interesting passage of Epiphanius (cited by Juster): Quantae traditiones Pharisaeorum sint, quas hodie vocant *ϑευτερῶσιν*, et quam aniles fabulae evolvere nequeo..... Unde et doctores eorum *σοφοί* (=חכמים), hoc est sapientes, vocantur. Et si quando certis diebus traditiones suas exponunt, discipulis suis solent dicere: *οἱ σοφοί ϑευτερῶσιν* (=שנו חכמים, cf., e.g., Abot 6.1: שנו חכמים בלשון המשנה), id est, sapientes docent traditiones.

Krauss, p. 61, overlooked the fact that the sermons were based on the Deuterōsis and therefore jumped to the conclusion that Justinian ordered the closing of the schools for which there is no evidence. For other explanations see also Eppenstein, *Beiträge zur Geschichte u. Literatur im geon. Zeitalter*, 26, note 4, where various views are given.

read at the service. A reminiscence of the occasion of this prohibition we have in the phrase שלא יקראו בתורה ויתרגמו (in the passage cited above, p. 268, note 54). Moreover the report of Yehudai Gaon about conditions in Palestine prior to Arab conquest (above p. 253) clearly refers to a previous impossibility of studying the Torah (לעסוק בתורה (i.e. the Arabs) והניחום), viz. to expound the Oral Law at the services, and it also indicates that the מעמדות, i.e. the Piyyuṭim, were recited on Sabbath morning, which contained the very elements of the sermons, viz. אסור והתר (Halakhah) and Aggadah.

This statement of Yehudai Gaon can now be used as the earliest account in connection with the modern theory of the rise of the Piyyuṭ.[80] It corroborates the statement of *'Ittim*[81] in the name of Gaonic authorities (רבוותא) that the Piyyuṭ was instituted at a time of שמד "when they (the Rabbis) could not mention the words of the Torah (viz. the Oral Law) because the enemies decreed upon Israel not to study the Torah (לעסוק בתורה)", exactly the same phrase as in Yehudai's statement. Thus Elbogen's argument[82] that Judah b. Barzillai's account is similar to that of the apostate Samuel ibn Yaḥya al-Magrebi, who traced the origin of the Piyyuṭ to the persecutions in Babylon and in Persia due to the Magians,[83] falls to the ground. Either this apostate confused the reports or it may be that during the troubles and persecutions at the end of the Persian rule in Babylon, as reported by Sherira (above, p. 258), the Jewish services were interfered with and the Piyyuṭ was used as a substitute for the Rabbinic instruction. But there is ground to believe that the Piyyuṭ as such originated in Palestine as a result of Justinian's prohibition of the Deuterōsis and that it took the place of the preachings of the Rabbis.[84] It continued to flourish even after the era of religious freedom had set in with the conquest of Arabs. R. Yehudai's criticism against the מעמדות, the Paiṭanic insertions in the Sabbath 'Amidah containing אכור והתר and Aggadah and breaking the scheme of the ritual, seems to have had little effect in Palestine. He could not stamp out the Piyyuṭ even in Babylon, though he and several other Geonim subsequently had tried to limit its extent.[85] The Piyyuṭ spread from Palestine to the whole of Byzantium and to Southern Italy, where Byzantine intolerance continued for a long time, and from there to other European countries. However, this is not the place to describe the growth and the spread of the Piyyuṭ as the discussion here is only limited to the accounts of its having found a prominent place in the divine service of the synagogue as a result of persecutions (שמד).

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[80] See Eppenstein, p. 26 ff., and cf. also Davidson, *Maḥzor Yannai*, XVI ff., whose theory of the cryptic language of the Piyyuṭim may however need still further substantiation.

[81] P. 252: יען שפיוטין אלו שנהגו העולם למימרינון חז״לנא לרבוותא שלא נתקן אלא בשעת השמד בלחוד, מפני שלא היו יכולין להזכיר דברי תורה כי היו גוזרין האויבים על ישראל שלא לעסוק בתורה, ועל כן היו חכמים שביניהם מתקנין להן בכלל התפלה להזכיר ולהזהיר לעמי הארץ הלכות חג בחג והלכות ימים טובים והלכות שבתות ודקדוקי המצות בדרך שבחות והודיות וחרוזות ופיוטים.

[82] *Der jüd. Gottesdienst*, 283.

[83] See Schreiner, *M. G. W. J.*, XLII, 221.

2. On the other hand the report that the very reading of the Hafṭarah from the Prophets having been a substitute for the reading from the Pentateuch, which had been proscribed by Antiochus Epiphanes,[86] does not seem to have any historical basis. In the persecution of Antiochus the whole existence of Judaism was involved and not a mere item of the service such as the reading of the Torah. More credence, however, is to be given to the reports concerning the Hafṭarot read in Babylon at the Minḥah service on Sabbath which had to be abolished on account of their proscription by the Persian government. This government action (שמדא) is reported briefly without indicating its cause by R. Naṭronai in a responsum which reads (*Geonica*, II, 302, No. XXVI): ושש' (=וששאלתם) מהו המפטיר בנביא במנחה בשבת (Sabb. 24a)? בדורות ראשונים כשהיו קורין במנחה בשבת היו מפטירין בישעיה נביא (read הנביא),

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[84] Cf. also the passage in Pardes, ed. Ehrenreich, p. 229: ולפי שכבר דל (read דלה) החכמה ונתמעטה עמדו במקום מדרש וקרובות] ופיוטי הענין. See also Epstein, *M. G. W. J.*, XLIV, p. 295–6, and Davidson, *l.c.*, XVI.

[85] See Ben-Baboi's objections (*REJ.*, vol. 70, 130–131, 133) based on R. Yehudai's and see Eppenstein, *l.c.*, p. 39 ff. On the other hand see the defence of the Piyyuṭim by R. Gershom Meor Haggolah (in שבה"ל, ed. Buber, 25–6), and *Pardes*, *l.c.*

[86] See Abudraham, ed. Prague, 52b, and Elijah Levita (תשבי, s.v. פטר). The latter has a report which ascribes to persecution to Antiochus Epiphanes. See also Elbogen, p. 175.

וכולן בנחמות שבישעיה, ולא היו מוסיפין על י' פסוקין. וגזרו פרסיים שמדא שלא להפטיר, וכיון שסילקו (insert מלהפטיר) סילקוהו.[87]
The original custom of Hafṭarot at Sabbath Minḥah is no doubt Babylonian being in explicit contradiction to the Palestinian rite as laid down in the Mishnah (Meg. 4.1: בב' וה' ובשבת במנחה קורין שלשה...ואין מפטירין בנביא). Rab (who returned to Babylon about 219 C. E., as usually accepted) refers to the Hafṭarot at Sabbath Minḥah in Babylon as well-established.[88]

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[87] This responsum is also to be found in ח"ג, No. 95 (among other responsa of Naṭronai) and is further cited in his name by R. Isaiah di Trani (ס' המכריע, ed. Livorno, 20b, bottom). Rashi (to Sabb. 24a, s. v. המפטיר) cites it anonymously and incompletely: מצאתי בתשובות הגאונים שהיו רגילים לקרוא בנביא בשבתות במנחה עשרה פסוקים, ובימי פרסיים גזרו גזרה שלא לעשות וכו'; thus leaving out the essential detail of נחמות שבישעיה which helps to ascertain the reason of the proscription by the government.

Graetz, *M. G. W. J.*, 1887, 554–55, wrongly explains the responsum in ח"ג to refer to a Byzantine persecution, even suggesting that ובשני פרסיים is a corruption, due to the censor, for ובשני רומיים. But the reading פרסיים is now well-established by the Genizah text (in *Geonica*) which, needless to say, was not subject to the whim of a Christian censor. Graetz's other arguments are feeble as all ones *e silentio* are. Moreover in Palestine Hafṭarot at Sabbath Minḥah were never in vogue as shown above in the text.

[88] Sabb. 24a bottom: דאמר רב אחדבוי בר רב מתנה אמר רב מתנה אמר רב המפטיר בנביא במנחה בשבת א"צ להזכיר של יו"ט שאלמלא שבת אין נביא במנחה ביו"ט (so in MS. Munich). This reading is also in *'Ittim*, 271, top. In Hai Gaon's responsum רבא is evidently a misprint because R. Matnah was a colleague of R. Yehudah b. Ezekiel (Ber. 11b). The French Tosafists indeed realized the contradiction with the statement in the Mishnah (so R. Isaac הזקן in Tosafot, ibid., s.v. שאלמלא) but the reply of R. Tam is wholly unsatisfactory. He suggests that by "prophet" the Hagiographa are meant similar to the custom in Nehardea to read passages from them at Sabbath Minḥah (Sabb. 116b: בנהרדעא פסקי סידרא בכתובים במנחתא דשבתא). But the whole passage there refers to study at the Bet Hammidrash and not to the service in the synagogue as has been rightly pointed out by R. Isaiah di Trani (ס' המכריע 20c): ואינו נראה לי דהאי פסקי סידרא לא משמע התם אלא שהיו דורשים בכתובים או קורין בהם במנחה בשבת כשלא היה להם זמן ביהמ"ד שאחר שאכלו לא היו דורשים לרבים. R. Isaiah after deducing evidence concludes (20d): אלמא פסקי סידרא לא משמע דרשה ולא הפטרה (read perhaps לענין) אלא לכוין. It is evident that R. Tam did not know of the respective Gaonic responsa, which explicitly indicate Hafṭarot from the Prophets, as otherwise he would not have made his fallacious suggestion. He also did not have the emendation יו"כ שחל להיות בשבת, which Judah ibn Barzillai mentions (*'Ittim*, 271, top). It is evidently a later change by

The custom must have been in vogue in Babylon long before the Mishnah became there the accepted code and the object of intensive study in the schools since the times of Rab and Samuel, or else it would have been abolished by reason of its contraditcion with the proscription in the Mishnah. The exalted orations of Deutero-Isaiah, by which the נחמות שבישעיה are evidently meant,[89] were especially precious to the Jews in Babylon and in Persia since they dealt with conditions of the exiles in Babylon. Who knows whether their recital was not instituted in Babylon during the early Persian period before the conquest of the country by Alexander the Great? Living in a social environment where Zorastrianism was predominant, how better could the Jewish spiritual leaders impress upon their people the monotheistic principles of their faith than with such a passage as Is. 45.1–7, especially verse 7: יוצר אור ובורא חשך עשה שלום ובורא רע אני ה' עשה כל אלה?[90] For a group living in a heathen environment and away from the center in Palestine, such as the Babylonian Jews were, the glowing fervor and exaltation of the chapters of Deutero-Isaiah indeed were admirably suited for public reading on Sabbath afternoons. The aim of these prophecies, in the words of Driver (*Introduction to the Literature of the O. T.*, 8th ed., pp. 230–31), "to arouse the indifferent, to reassure the wavering, to expostulate with the doubting, to announce with triumphant confidence the certainty

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copyists against which already R. Zeraḥya Hallevi (מאור to Alfasi, Sabb. *a.l.*) protests.

[89] Though the Talmud (B. B. 14b) regards the whole of Isaiah as containing "consolations" (וישעיה כוליה נחמתא, cf. also Ber. 57b: הרואה (בחלום ספר) ישעיה יצפה לנחמה), evidently referring to the cheerful visions to be found in chapts. 1–39 (e. g. 2.1–4; 9.1–6; c. 11–12; etc.), the term נחמות שבישעיה stood for sections chiefly taken from Is. 40 ff., though chs. 34–35 may have been included. It should be noted that the Hafṭarot for שבת נחמו and onward, the well known שבעה דנחמתא (to be discussed later on), are all taken from Deutero-Isaiah. About Isaiah, as the prophet of consolation, see also S. E. R., c. 16, pp. 82–3.

[90] About the insertion of this verse in a modified form (viz. ובורא את הכל for ובורא רע) in the morning service for the purpose of emphasizing monotheism against Zoroastrianism, see the attractive theory of Blau, *REJ.*, vol. 31, pp. 190 ff. Who knows whether originally the benediction יוצר אור did not end with ובורא רע? Cf. Ber. 11b where the change is explained to be due to a desire of using a more auspicious language (לישנא מעליא).

of the coming restoration"—held good for a long time after their first pronouncement.[91]

The Hafṭarot from the "consolations" of Deutero-Isaiah at Sabbath Minḥah thus were probably continued to be recited in Babylon and Persia for several centuries till the Sassanids came to power in 226 in the time of Rab. As the Talmud does not mention anywhere of their having been proscribed by the new government, we may assume that the Jews followed their time-honored ritual throughout the Talmudic period. The prohibition, recorded by R. Naṭronai, probably took place during the fanaticism in consequence of the movement of Mazdak which brought great trials upon the Babylonian Jews towards the end of the 5th century and the beginning of the 6th. A verse like Is. 45.7 was regarded as a distinct challenge to the principle of dualism. Another objection may have been found by the fanatical Magians in the reference to Cyrus (Is. 44.28, 45.1) as achieving his glory for the sake of Israel (see Is. 45.4) since his memory was greatly revered by the Magians as the champion of Zoroastrianism. Altogether the great emphasis of Deutero-Isaiah on the nature of God as "the Creator, the Sustainer of the universe, the Life-Giver, the Author of history, the First and the Last, the Incomparable One" (in the words of Driver, ibid. p. 242) together with the glowing pictures of the restoration of Israel and the triumph of Zion must have been offensive to the spokesmen of Zorastrianism.[92] Hence these Hafṭarot recited at Sabbath

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[91] But it should not be overlooked that Isaiah was a favorite book especially in Palestine for the Hafṭarot of the Triennial Cycle. Out of the 45 Hafṭarot to Genesis, 29 are from Isaiah and out of the 29 to Exodus, 18 are from this prophet (see Dr. Büchler's discussion of the problem, *JQR.*, VI, 54 and 60). Several of these Hafṭarot are from ch. 40 ff. Were we to know the exact Hafṭarot in Babylon at Sabbath Minḥah it would be of interest to trace how many of them corresponded to the Palestinian Hafṭarot from Isaiah at the morning service. Who knows whether the many Palestinian Hafṭarot eliminated in Babylon owing to the Annual Cycle had not found again their place in the Minḥah services?

[92] Both Rappaport (ערך מלין, ed. Warsaw, I, 336) and Weiss (דדו״ד, IV, p. 5, note 7) missed the right point in trying to explain the reason of the prohibition. Altogether Rappaport's remarks on this problem of the Minḥah Hafṭarot have been rightly criticized by Schorr (החלוץ, II, 143–4).

Minḥah were proscribed and were not again re-introduced in Babylon even after the intolerance had ceased, evidently because of the fact that the Hafṭarah of Minḥah was against the Mishnaic prescription. Yet as late as in time of Hai Gaon there were still distant congreations in Elam and in the islands of the Persian Gulf, who retained the custom,[93] probably because the proscription of the central government at Ctesiphon in Babylon had nosustaining power enough to reach these outlying communities among whom then the Hafṭarot at Sabbath Minḥah had never gone out of practice.[94] The whole custom of Hafṭarot at Sabbath Minḥah was one of the old differences in custom between Palestine and Babylon (as Schor in note 111 to *'Ittim*, p. 271,rightly pointed out) just as the difference of the Triennial and Annual Cycles respectively. The collection of differences (חלוף מנהגים) between these two countries, emanating from the Gaonic period, however, no longer mentions this item because at that time it had already long been abolished in Babylon, the seat of the academies.

3. Since the readings from Deutero-Isaiah were proscribed in Babylon, probably during the Mazdak movement, the question arises with regard to the Hafṭarot from the 9th of Ab to New Year, known as שבעה דנחמתא, which were taken exclusively from Is. 40 ff. Dr. Büchler (*J. Q. R.*, VI, 64 ff.) was on the right track in suggesting that these Hafṭarot had originated in Palestine. Elbogen (p. 178, see notes (2nd ed.) p. 545) has really no evidence for his suggestion that they were ordained "probably in Babylon." Dr. Büchler's theory is now strengthened by the remarkable discovery of H. St. John Thackeray (*The Septuagint and Jewish*

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[93] *'Itim*, p. 271: אבל חזי לן לרבינו האיי גאון... ואלו הן תורף דבריו... שמנהג היה בתחלה במקומות הרבה שמפטירין במנחה בשבת, ועדיין יש ספרי אפטרתא שיש בהם ענין למנחה לכל שנה וקורין לה נחמתא. אחר אפטרתא שחרית (read דשחרית) כותבין נחמתא בישעיה, נחמתא בירמיה. ויש מקומות בארץ עילם ואיי הים של פרס שרגילין בה עד עכשיו. *'Ittim* does not quote Hai's responsum fully (see the different version in המאור to Alfasi, a. l.). The phrase נחמתא בירמיה seems to me to be spurious in view of the fact that in B. B. 14b the book of Jeremiah is described as כוליה חורבנא (cf. also Ber. 57b: הרואה (בחלום ספר) ירמיה ידאג לפורענות), though of course there are several passages that could have been selected containing consolations.

[94] This removes the difficulty raised by Dr. Ginzberg, *Geonica*, II, 298, who likewise failed to realize the reason of the proscription of the Hafṭarah at Sabbath Minḥah.

Worship, 1921, pp. 84 and 100) that the consolatory portion of Baruch corresponds more or less to these consolation Hafṭarot being dependent also on Deutero-Isaiah, just as the previous portions of this apocryphal book correspond to the three Hafṭarot of Punishment (ג' דפרענותא) preceding the 9th of Ab as well as to the readings on the fast day itself (from Jeremiah and Job). If Thackeray's ingenious theory be right, then the Hafṭarot of Consolation are much earlier than the date suggested by Dr. Büchler (ibid. p. 72), viz. the post-Talmudical times. However, in Babylon these Hafṭarot from the נחמות שבישעיה were never introduced simply because the local ritual used Isaiah's Consolations as Hafṭarot on every Sabbath at Minḥah including the seven Sabbaths between the 9th of Ab and New Year.[95] With the proscription of these Minḥah Hafṭarot towards the end of the 5th century it would have been dangerous to adopt the "Seven Consolation" Hafṭarot as the morning Hafṭarot during these seven weeks. This cycle of 7 Hafṭarot thus evidently found no entrance in the Babylonian ritual before the beginning of the Muslim period. Since the Minḥah Hafṭarot were not re-introduced, in spite of the removal of their proscription with the overthrow of the Sassanids, because of the explicit statement in the Mishnah that at Sabbath Minḥah there should be no Hafṭarah, the cycle of שבעה דנחמתא from Deutero-Isaiah was thus adopted in Babylon for these seven weeks in accordance with the Palestinian custom.

V

Other Items.

In this section some items pertaining to the divine service of the synagogue will be discussed that underwent changes prior to the Byzantine and Sassanid periods respectively. The case of the Decalogue in the liturgy entails a change brought about by no government interference but by the Jewish spiritual leaders in Palestine in order to counteract the polemics on the part of Jewish heretics. The elimination of the recital of the Decalogue daily in the service led to a change in the contents of the Tephillin. This symbol in its revised form was a part of the practice of Judaism, proscribed by Hadrian in consequence of the Bar-Kokhba revolt, and did not regain for itself general observance even after the Hadrianic edicts had been annulled. Finally a reminiscence from the Hadrianic persecution towards its close we have in the change of the time set for תקיעת שופר on New Year with which our discussion terminates.

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[95] Dr. Büchler writes (*l. c.*, p. 72, bottom): "the Babylonians were also apprised of the practice of reading the Hafṭarot exclusively from Isaiah" and as evidence he cites R. Naṭronai's responsum about the Minḥah Hafṭarot as if it referred to Palestine! He overlooked the end of the responsum which says clearly that these Hafṭarot were abolished בשני פרסיים, viz. the Sassanids, which can only refer to the Babylonian custom.

1. The Decalogue in the Liturgy.

This problem needs only brief mention here in view of my remarks elsewhere[96] in connection to the reappearance of the Decalogue in the daily service at the Palestinian synagogue in Fusṭāṭ in the Muslim period continuing right down to the 13th century. The Decalogue, recited daily in the Temple by the officiating priests prior to the Shema', was eliminated in Palestine from the service of the synagogue some time after the destruction of the Temple (probably in the second century) because of heretical claims that only the Decalogue was Divine the rest of the Pentateuch consisting of later additions by Moses. How such claims could easily find acceptance among the people against the Rabbinic conception of תורה מן השמים and the Oral Law from Sinai is strikingly illustrated by the Nash Papyrus, being a fragment of an early liturgy prevalent in Egypt, wherein the Decalogue is followed by a Hebrew verse, not found in the Massoretic text but in LXX before Deut. 6.4 (the beginning of the Shema'), ואלה החקים והמשפטים אשר צוה משה את בני ישראל במדבר בצאתם מארץ מצרים. The elimination of the Decalogue prevailed in Babylon where attempts in the Amoraic period to re-introduce it in Sura and in Nehardea failed. But in Egypt apparently the Decalogue never disappeared from the liturgy. Anyhow we find it again in use in the Palestinian synagogue in Fusṭāṭ throughout the Gaonic period right down to the time of Maimonides and beyond (1211). Whether this was only a local Minhag in Egypt or whether in Palestine too the Decalogue was re-introduced in the Muslim period cannot as yet be ascertained.

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[96] See Mann, *Jews in Egypt and in Palestine under the Fatimid Caliphs*, I, 221–23, and especially *H. U. C. Annual*, II, 282–4.

2. Tephillin.

The problem of the Decalogue in the liturgy has a bearing also on the contents of the Tephillin in early times. It is not within the scope of this paper to discuss fully the origin of the custom of Tephillin.[96a] Whatever may have been the original form of the Biblical אות and טוטפות[97] it is evident that in the course of the period of the Second Commonwealth the Tephillin became the outward symbol of קבלת עול מלכות שמים. The very name תפלה used in the Rabbinic literature for the phylactery seems to be connected with a ceremony at prayer-time. The modern explanation of the word from תפל (=טפל) to attach, to affix, is not very illuminating as a better noun could have been formed from the roots קשר or עָנַד (viz. קֶשֶׁר or עֲנִידָה).[98] But even if this connotation be granted, the expression תפלה (Aram. plur. תפלין to distinguish it from תפלות, prayers) was purposely chosen because the symbol had been originally meant to be used at prayer.[99] With the introduction of the Shema‘ in the daily service as an essential part of it, the Rabbis thought it proper to symbolise this declaration of the Unity of God by the Tephillin finding a support for this symbol in the literal interpretation of the verses in Deut. 6.8, 11.18 (Ex. 13.9, 16). The symbol was ordained primarily at the daily morning service. The reason why Tephillin were not put on on Sabbath morning was rather due to the strictness of the Sabbath observance and to the fear of carrying the Tephillin from the home to the synagogue (הוצאה).[100] By analogy to the Sabbath the Tephillin were not put on also at the service on the Festivals. The usual explanation of Sabbath and Yom Tob being themselves symbols and requiring no further אות is later and more of an Aggadic character.[101]

[96a] Rodkinsohn's work תפלה למשה (Pressburg 1883), while revealing the author's learning, basically suffers from lack of method and historical judgment. His theories need not, therefore, be dealt with here.

Schorr's article (החלוץ, V, 11 ff.) is indeed full of critical acumen but suffers from its too polemical tendency. While correctly realizing several features in the development of the custom, Schorr failed to obtain a clear view of the whole process. A radical fault of his was not to differentiate, when discussing the data, between the wearing of Tephillin at prayer only, and the whole day. Abraham Krochmal (עיון תפלה, Lemberg 1885, pp. 24–37), too, fails to give a clear picture of the history of the rite of Tephillin though some of his remarks are well worth while. He rightly surmised (p. 35) that there were once Tephillin containing five Biblical sections including the Decalogue but failed properly to understand this fact.

Blau's article (*J. E.* X, 26 ff.) is of a more informative nature than critical. In setting forth my own views it was not found feasible to enter into arguments on each point with the above authors but rather to let the data in their new construction speak for themselves.

[97] Cf. Hastings' *Dictionary of the Bible*, III, 869 ff., and *J. E.*, X, 26, 28.

[98] Kohut in *Aruch Completum*, s. v. טטפת (vol. IV, 25–6) and תפל (vol. VIII, 258) and Jastrow, s.v. Cf. also the phraseology in Siphre (ed. Friedmann, p. 74b): וקשרתם אלו בקשירה וכו'.

The primary connection of Tephillin with the morning service in conjunction with recital of the Shema‘ is also borne out by the seemingly curious report of Jerome that the phylacteries contained the Ten Commandments.[102] Jerome does not even mention the Shema' in the Tephillin. But when we consider that originally the Decalogue preceded the recital of the Shema' in the service having been eliminated some time after the destruction of the Temple (probably at the beginning of 2nd century C. E.) in order to deprive the heretics of one of their arguments against the divine origin of the entire Torah, Jerome's account becomes intelligible. We may safely assume that the Tephillin prior to the elimination of the Decalogue from the daily morning service really contained five Biblical sections, viz. the Decalogue, שמע, והיה אם שמוע, קדש and והיה כי יביאך (Deut. 5.6–18, 6.4–9, 11.13–21, Ex. 13.1–10, 13.11–16). The section from Exodus was chosen because of the mention of אות and טוטפות and at the same time referring to the redemption from Egypt it well corresponded to the usual third section of the Shema', viz. Numbers 15.37–41, which likewise concludes with a reference to יציאת מצרים.[103] When, however, the Decalogue was eliminated from the service it had also to be eliminated from the Tephillin. Jerome may have seen such early phylacteries and looking only at the beginning of the strip of parchment within he noticed first the Decalogue. Had he read on he would have found there subsequently the Shema' and the other sections. It may also be that the Tephillin Jerome saw belonged to a heretic who disobeyed the ruling of the Rabbis.[104] The Mishnah (Sanh. 11.3) clearly reflects the time when the Tephillin included the Decalogue and hence had five sections in stating: חומר בדברי סופרים מדברי תורה. האומר אין תפלין כדי לעבור על דברי תורה פטור, המשה טוטפות להוסיף על דברי סופרים חיב. Now what could these five Ṭoṭafot (viz. five compartments of the phylactery on the head) contain if not the Decalogue that pre-

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[99] So already in קול סכל, the polemical work against which Judah Leon Modena wrote his שאגת אריה (in בחינת הקבלה, ed. Reggio, p. 39): ואחשוב כי מתחלה היו משימים אותם (viz. התפלין) בשעת תפלה לבד, ולכן קראום תפלין, אח"כ קצתם החמירו יותר ללבשם כל היום וכו'.

[100] Cf. the cases of the Shofar, the Lulab and the Megillah when either New Year, or the 1st day of Tabernacles or Purim happened to fall on a Sabbath (see R. H. 29b, Sukkah 42b-43a, Meg. 4b: גזירה שמא יטלנו בידו... ויעבירנו ד' אמות ברה"ר, והיינו טעמא דלולב, והיינו טעמא דמגלה.

[101] Cf. R. ‘Aḳiba's statement (Men. 36b): יכול יניח אדם תפלין בשבתות ובימים טובים? ת"ל: והיה לאות על ידך וכו' מי שצריכין אות יצאו שבתות וימים טובים שהן גופן אות. This really applies only to Sabbath (Ex. 31.17). See also Mekhilta of R. Simon b. Yoḥai (ed. Hoffmann, p. 34). In the other Mekhilta (Bo. c. 17) the statement is ascribed to R. Isaac which seems more likely.

[102] See Jerome to Mt. 23.6 (in Migne, *Patrologia Latina*, vol. 26, col. 174) hoc Pharisaei male interpretantes (sc. Dt. 6.8) scribebant in membranulis *Decalogum Moysi*, id est decem verba legis, complicantes ea, et ligantes in fronte, et quasi coronam capitis facientes, ut semper ante oculos moverentur. Likewise to Ezek. 24.15 (ibid, vol. 25, col. 230, top): Aiunt Hebraei hucusque Babylonios magistros, Legis praecepta servantes, *decalogum scriptum* in membranulis circumdare capiti suo, et haec esse quae jubeantur ante oculos et in fronte pendere, ut semper videant quae praecepta sunt. Et quia Ezechiel

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sacerdos erat, nequaquam eum debere deponere coronam gloriationis, sed ligatam habere in capite. Hoc illi dixerint. The interpretation of פאר as Tephillin is reported in the name of Rab (Sukkah 25b, cf. Ber. 16b, top).

[103] The order of the Biblical portions in the Tephillin, given in Men. 34b, refers already to the time after the elimination of the Decalogue. See *infra*, note 106, about the position of the Shema' section.

[104] Cf. M. Megillah 4.8 about the different way of putting on Tephillin used by the Minim. Cf. also Blau, *J. E.*, X, 27, col. 2, who thinks that Jerome was incorrect in this account. But our explanation solves the whole difficulty. Nor is the Nash Papyrus with the Decalogue before the Shema' heretical as Blau seems to think (see above p. 40).

ceded the Shema'? The phraseology of the Mishnah makes the Tephillin containing four Biblical sections already Sopheric but the change only took place after the destruction of the Temple long after the so-called period of the Sopherim.[105]

One can even venture to suggest that the outward indication of the letter Shin on the head phylactery was ordained after this change to proclaim to all that the Tephillin began with Shema' (there being no room enough on the בית to write the word שמע in full, hence only letter ש was enough for the indication).[105a] Therefore the letter appears on one side of the capsule containing the Biblical sections in the usual form (ש=שמע) and on the other side with four tittles on the top (ש) indicating that there were only *four sections* inside![106] Later on the Shin on the head

[105] Interesting is the discussion in Siphre (ed. Friedmann, p. 74b), which reflects the earlier time when the Tephillin contained the Decalogue: ועדיין אני אומר: והרי קדש לי והיה כי יביאך שקידמום מצות אחרות הרי הם בקשירה, עשרת הדברות שלא קידמום מצות אחרות אינו דין שיהו בקשירה? אמרת קל וחומר וכו' Cf. also par. 34 (p. 74a) which also reflects the elimination of the Decalogue from the daily recital prior to the Shema' (י' הדברות שלא קדמום מצות אחרות אינו דין שיהו בשנון?)

[105a] For a similar abbreviation cf. R. Judah's statement (Yer. Meg. 71a, l. 20): אדר השני כותב תיו (=תיניין) ודיו. Cf. the different version in Meg. Ta'anit, end in Neub., *Med. Jew. Laron.*, II, 23). See also M. M. Sheni 4.11.

[106] This double form of Shin on the head phylactery is prescribed in the Gaonic work שמושא רבא (cited in Tos. to Men. 35a s.v. שין שלתפלין): צורה דשין דימינא ג' רישי ודשמאלא ד' רישי, ואי אפיך לית לן בה. This was an old tradition no longer understood. The ending permitting a reversal was due to the later shifting of the order of the Biblical sections (see end of this note). Originally, after the elimination of the Decalogue, the Shema' was purposely put on the right side of the capsule, outside of which was the letter ש=שמע.

The arrangement of the Biblical sections in the Tephillin underwent changes and was by far not fixed uniformly, as is evident from Men. 34b; ת"ר: כיצד סדרן? קדש לי והיה כי יביאך מימין, שמע והיה אם שמוע משמאל. והתניא איפכא? אמר אביי: לא קשיא, כאן מימינו של קורא, כאן מימינו של מניח, והקורא קורא כסדרן. The second version of the Baraita was evidently the original form. Formerly there was included the Decalogue too as in the daily service. After its elimination there remained 4 sections beginning with Shema' which took its place on the right side of the capsule where outwardly there was (and still is) the letter ש=שמע. Then followed והיה אם שמוע, קדש לי and והיה כי יביאך, the last being placed on the left side of the capsule outside of which we have the letter Shin in the form ש to indicate that there were only 4 sections. But the desire to have the sections in the order of their occurence in the Pentateuch resulted in a rephylactery was regarded as a law to Moses from Sinai (שין שבתפלין הלכה למשה מסיני) because its real purpose was no longer known.[107] The still later explanation of Shin as forming the word שדי together with the knots of the head phylactery in the form of ד and of the hand phylactery in the form of יוד need not detain us long.[108] Beside its late origin it overlooks the fact that the hand phylactery was worn covered and that even the knot of the phylactery on the head was not always visible whereas symbols are essentially instituted for outward appearance manifest to all. All this only shows how successfully the Rabbis succeeded in removing the traces of the earlier Tephillin containing five Biblical sections so that the Tephillin in their new form became to

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shifting of the sections. Even after this reshifting the section Shema' still remained on the right side of the capsule (where Shin is marked on the outside) in many Tephillin and should be so according to R. Tam, who is supported by Garonic evidence (see Tos., ibid, s. v. והקורא: ומפרש ר"ת קדש והיה מימין של קורא ומשמאל של קורא הוי שמע מבחוץ ואחריה (viz. on left side of the capsule) והיה אם שמוע מבפנים וכו'.) Cf. also Maimonides instructive responsum on the subject (קובץ תשובות הרמב"ם, I, No. 26, and in כסף משנה to משנה תורה, ה' תפלין, 3.5), where the reference to another Moses b. Maimon, of Cordova, who had composed a work on Tephillin, is rather suspicious.

[107] Men. 35a: ואמר אביי שין של תפלין הלכה למשה מסיני. Baḥya b. Asher (כד הקמח, Lemberg, 1872, 116a) quotes similar statements of Abbaye with regard to דל"ת של ת' and יו"ד של ת' but this reading is unwarranted (see note 108, end).

[108] Cf. the legendary account of the heated discussion between Moses (sic!) and R. Tam about the knot in the shape of יוד on the hand phylactery (given by Gedalya ibn Yaḥya, שלשלת הקבלה, ed. Lemberg, 1864, 69a, b, cf. the MS. version given by Kaufmann, *REJ.*, V. 274–5) which shows that the whole combination of the three letters שדי is very late. אמר לו משה רבינו... שהקשירה של יד ביו"ד לא צויתי לעולם ולא למדתיה, אכן חכמים תקנו אותה בסברתם להשלים שם שדי, ובשביל כך לא רצו לעשותה בראש שלא יטעו לומר שצויתים כך מאחר שאינה מצורפת עם הש' וד'.

Even with regard to קשר שבתפלין שבראש though it was regarded as הלכה למשה מסיני (see Men. 35b), it is nowhere indicated in the Talmud that it had the shape of דלת. Only later on the passage in the Talmud (ibid.): וראו כל עמי הארץ כי שם ה' נקרא עליך וכו'. תניא ר"א הגדול אומר אלו תפלין שבראש, suggested the combination of a Divine name, viz. שדי. So Rashi: שם ה'... שכתוב בו רוב השם שין ודלת (cf. also s.v. קשר) but Tosafot rightly objects to this: ונראה דדלי"ת ויו"ד שברצועות לאו אותיות גמורות הן ולא חשיבי מן השם של שדי... ובשום דוכתא לא קרו להו כי אם קשר של תפלין. A still later explanation of letter ש as being רמז לשכינה is given by Baḥya b. Asher (כד הקמח, 115b, 116a).

be regarded as being of hoary antiquity and the outward indication such as Shin became a matter of guessing. All this was due to their struggle against the Minim and to their desire to obliterate as much as possible the details of this strife in order not to arouse new controversies.

The symbol of Tephillin just as that of Ṣiṣit was employed by the Pharisees as a means in their endeavor to intensify the Jewish religious life and make it pervade everyday activities. The Rabbis and their disciples began to wear Tephillin the whole day, even after the divine service, in order to symbolize their constant awareness of "the yoke of the kingdom of heaven" for the acceptance of which the Shema' was the official declaration. Of this custom first mention is made in Talmudic reports referring to the 1st century, C. E. It combined both a religious as well as a sort of political demonstration inasmuch as the spiritual מלכות שמים was still staunchly hoped for by Israel though *de facto* Palestine was under the mundane, wicked rule of Rome (see also above, p. 246). Whereas the Tephillin of the Ḥasid in the time of Simon b. Sheṭaḥ (Yer. Ḥag. 77d) probably were those used only at prayer and likewise those of Shammai, which he had from his maternal grandfather,[109] we hear of R. Yoḥanan b. Zakkai that he constantly wore the Tephillin both in winter and in summer and that his disciple R. Eliezer b. Hyrcanos followed suit.[110] The whole account shows that this was regarded as an act of extreme piety, especially in the summer when the heat made the wearing of Tephillin the whole day very uncomfortable.[111] Needless to say ordinary people, who had to labor either in the field, the workshop or in the market place, could not follow this Pharisaic example of piety. In this respect Dr. Büchler (*Galil. 'Am-Haareṣ* p. 23, note 1) is right in emphasizing that only some scholars would practice this extreme symbolism of קבלת עול מלכות שמים. It was also regarded as a sign of piety to enlarge the phylacteries in size in spite of the discomfort of their heaviness in wearing them and hence the Pharisees are accused of doing this only to show off before people (Matthew 23.5), though it is not certain whether this refers to the phylacteries worn only at prayer or whether also during the whole day. The wearing of Tephillin the whole day as an act of piety naturally gave rise to abuses by hypocrites as is evident from the story in Yer. Ber. 4c top.[112] A foolish Ḥasid (חסיד שוטה) is illustrated by the example of his passing by a river and seeing a child drowning but delaying to go to its rescue till he takes off his Tephillin (in order not to desecrate them) while in the meanwhile the child is perishing.[113]

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[109] Mekh. Bo., c. 17, end, Mekh. of Simon b. Yoḥai (ed. Hoffmann, p. 35, top). In Yer. Erubin 26a this is reported in the name of Hillel and not of Shammai.

[110] Yer. Ber. 4c, l.10; רבן יוחנן בן זכאי לא הווה תפילוי זעין מיניה לא בקייטא ולא בסיתוא, וכך נהג ר' אליעזר תלמידו אחריו. R. Eliezer b. Hyrcanos wore his Tephillin even on his death bed (see the story in Yer. Sabb. 5b, bottom, Babli Sanh. 68a, Ab. de R. Natan, c. 25). Joshu'a b. Ḥananya, another famous disciple of R. Yoḥanan b. Zakkai, also seems to have worn the Tephillin constantly as is evident from the Sabb. 127b.

[111] Hence R. Yoḥanan b. Nappaḥa would wear the head phylactery the whole day only in winter, ibid., l. 11: ר' יוחנן בסיתוא דהוה חזק רישיה הוי לביש תרויהון, ברם בקייטא דלא הוה חזיק רישיה לא הוה לביש אלא דאדרעיה.

How far the common people practiced the custom of Tephillin even at prayer is difficult to ascertain. R. Meir is reported to say that "there is no man in Israel, who is not surrounded by Miṣvot, viz. Tefillin on his head and arm and other symbols (Tos. Ber. 7.25: אין לך אדם מישראל שאין מצות מקיפות אותו, תפלין בראשו ותפלין בזרועו, ומזוזה בפתחו וארבעה ציציות מקיפות אותו, cf. also Yer. Ber. 14d). Probably R. Meir meant here that at least some of these Miṣvot were kept by every Jew and should not be taken to reflect his actual experience of conditions in Palestine either before or after the Hadrianic persecutions. Moreover, this statement appears anonymously in quite a different form in Men. 43b.[114] Laborers in the field, or even in the homes of their employers, early in the morning evidently recited the Shema‘ and the Tefillah without putting on Tephillin (see Ber. 16a where Tephillin are not mentioned at all). Whatever may have been the extent of the prevalence of Tephillin before the Hadrianic persecutions, the prohibition of Judaism in the years 135–138 (or thereabouts) made the wearing of the Tephillin especially dangerous because of their conspicuousness and tended to bring about laxity in the practice even after the removal of Hadrian's edicts by Antoninus Pius. The danger of Tephillin during this time of persecution is alluded to in M. ‘Erubin 10.1 (ובסכנה מכסן והולך) and in Sabb. 49a (also 130a) in connection with the story of Elisha בעל כנפים.[115] Informers (*à la* Aḥer) probably pointed out to the government that the Tephillin, like the Shema‘ contained therein, had a special signifiance as a symbol of קבלת עול מלכות שמים as against the rule of Rome.[116] On account of the obvious danger people stopped putting on Tephillin even at prayer not to speak of wearing them in the streets. Only a saint like Elisha בעל כנפים would expose himself to the danger. The discontinuance of the custom led to laxity even after Hadrian's time as is characteristically admitted by R. Simon b. El‘azar, a disciple of R. Meir (Sabb. 130a).[117] On the other hand the scholarly refugees from Palestine, who had sought safety in Babylon from Roman

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[112] עובדא הוה בחד בר נש דאפקיד גבי חבריה וכפר ביה, א"ל: לא לך המנית אלא לאילין דברישך המנית. Cf. especially Pes. R. c. 22 (ed. Friedmann, 111b): שלא תהא תפלין נושא וטליתך עוטף והולך ועובר עבירות.

[113] Yer. Soṭah, 19a, 1.14 ff: אי זהו חסיד שוטה? ראה תינוק מבעבע בנהר, אמר: לכשאחלוץ תפילי, אצילנו. עם כשהוא חולץ תפיליו, הוציא זה את נפשו.

[114] Joshu'a b. Hananya characterises the 'Am-Ha-areṣ as not putting on Tephillin (viz. even at prayer), Ber. 46b, but in Soṭah 22a this statement is anonymous in reply to R. Meir, who had a more lenient view that the 'Am-Ha-areṣ be only stigmatised as such, if he does not recite the Shema'. This would show that R. Meir was fully aware of the fact that the laborers could not prac-

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tice this custom even at prayer. However, R. Meir's statement in Soṭah is reported in Ber. in the name of Eli‘ezer b. Hyrcanos.

[115] Schorr (החלוץ, V, 15) rightly suggests that בעל כנפים really meant a member of the Ḥaberim, who observed Levitical purity (cf. Bekhorot 30b; מקבלין לכנפים ואח"כ מקבלין לטהרות), though his identification with the Essenes is not warranted. The explanation of the name in connection with the miracle of the Tephillin in Sabb. 49a is of course legendary but the prohibition of wearing Tephillin during the Hadrianic persecution reported there is quite historical.

[116] Complete acceptance of this obligation (in the words of R. Yoḥanan, Ber. 14b, bottom) consisted of Tephillin, Shema‘ and ‘Amidah, הרוצה שיקבל עליו עול מלכות שמים שלמה, יפנה ויטול ידיו ויניח תפלין ויקרא ק"ש ויתפלל, וזו היא מלכות שמים שלמה. Though R. Yoḥanan lived long after the Bar Kokhba period, he no doubt reflects in this respect the sentiment maintained by the leading Rabbis centuries before.

[117] תניא ר"ש בן אלעזר אומר: כל מצוה שמסרו ישראל עצמן עליהם למיתה בשעת גזרת המלכות (see ד"ס, a. l., better בשעת השמד) כגון ע"ז ומילה, עדיין היא מוחזקת בידם, וכל מצוה שלא מסרו ישראל עצמן עליה כגון תפילין, עדיין היא מרופה בידם.

persecution, were especially zealous in spreading the custom in Babylon, as is reported by Sherira Gaon (see *infra*, note 122). But there too only some scholars would wear Tephillin the whole day (like Rab and others.)[118] This continued later on to be the custom of the Geonim and the members of the academies.[119] But how far the ordinary people in Babylon made use of the symbol of Tephillin even at prayer is not evident.[120] Yet no doubt the insistence of the Rabbis gradually exerted its influence to make Tephillin the regular feature for all daily worhshippers in the synagogues.

To sum up our discussion, the symbolism of Tephillin was meant primarily to emphasize the acceptance of "The yoke of the kingdom of heaven." Originally connected with the recital of the Decalogue and the Shema' in the morning, the symbol was extended to the whole day by the Pharisees in their endeavor to make the consciousness of their religious ideal the guide of their whole daily life. This extension was only meant for the scholarly class but it had its reaction in the ordinary people being lax in using the symbol of Tephillin even at prayer because the wearing of Tephillin the whole day became to be regarded as an act of extreme piety. The Hadrianic persecutions had their share too in weakening the practice of the symbol. The Rabbis, especially in the 3rd century C. E., would endeavor to emphasize the importance of the symbol, some of them even resorting to the mystical fancy of God too wearing Tephillin (see Men. 35b and Ber. 6a). Their chief aim was to establish firmly this custom at prayer (see Ber. 14b, bottom, and 15a, top). On the other hand the wearing of Tephillin the whole day by all and sundry was not encouraged. It gave cause to abuses by hypocrites. Hence R. Yannai (1st half of 3rd century) came out with the statement that תפילין צריכין גוף נקי.[121] He, no doubt, meant by it the wearing of them the whole day. But it was interpreted by several people in Gaonic times to refer even to Tephillin at prayer and it thus led to a general laxity of practice. The Geonim, when asked about their opinion, were eager to combat this tendency. Instead of clearly stating that R. Yannai referred only to wearing Tephillin the whole day, they explained away his statement to deal only with the time of persecution. They were misled by the gloss כאלישע בעל כנפים in Sabb. 49a (see note 121) to construe the whole statement of R. Yannai as dealing with the time of the Hadrianic persecution.[122] The obscurity prevailing about the meaning of R. Yannai's statement contributed greatly to the general laxity of wearing Tephillin even at prayer especially in Western Europe, viz. in France and Spain. As late as 1235 R. Moses of Coucy during his travels in the Provence and in northern Spain had to bestir himself to impress in his sermons his audiences with the duty of Tephillin at prayer.[123] This is the case with many a rite that in course of time lose their original symbolic significance and are practiced only by force of tradition. But even to rites the proverb הכל תלוי במזל can be applied. Some of them captured the imagination of the people and were scrupulously observed. Others, like Tephillin, had to go through a long time of neglect till they found a semblance of general observance.

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[118] Among the ten points of extreme piety attributed to Rab (עשר מילי דחסידותא) the 9th was: שהיה רגיל תדיר בתפלין ונהג רב ששת אחריו (ש"ת, No. 178). The passage hints that the other disciples did not follow him in this practice.

[119] Cf. Gaonic Responsa ח"נ, No. 84, ש"ת, No. 153 (in responsum of Sar Shalom); ג"ל, No. 3; תש"ר, I, 36 top, 46.

[120] Rab characterises a sinner as one who fails to put on Tephillin (R. H. 17a: פושעי ישראל בגופן. מאי ניהו? אמר רב: קרקפתא דלא מנח תפלין). But other readings have Simon b. Lakish instead of Rab.

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[121] Yer. Ber. 4c, l.6: אמר רבי ינאי: תפלין צריכין גוף נקי. מפני מה לא החזיקו בהן? מפני הרמאין וכו'. It is doubtful whether from מפני is also by R. Yannai. In Babli (Sabb. 49a, 130a) R. Yannai is supposed to illustrate his remark by the example of Elishah בעל כנפים but in reality it seems a later insertion.

[122] See the responsum attributed to R. Yehudai (ה"פ, No. 62; ש"ת, No. 153 תש"ר, I, 45): ואם בא אדם לומר: תפילין צריכות גוף נקי כאלישע בעל כנפים, כך פי' חכמים: במה דברים אמורים בשעת השמד. Still more instructive is Sherira's responsum (שבה"ל, ed. Buber, p. 382, cf. *'Iṭṭur*, ed. Lemberg, II, 26d, where it is ascribed to his son, Hai, the responsum probably emanating from father and son combined): אמור רבנן פושעי ישראל בגופן... ומפרש ר' שמעון בן לקיש: פושעי ישראל מן נינהו? קרקפתא דלא מנח תפילי. והאידנא מאי טעמא מזלזלי בהו רובא דעלמא? (In *'Iṭṭur* the reading is רבנן דעלמא which would then refer to wearing them the whole day). אי משום דאלישע בעל כנפים, פירשו כבר הגאונים הראשונים ההיא בשעת הגזרה. ויש מקומות שהתלמידים מניחין תפילין, מי מיחזי כיוהרא או דילמא קיומא [ד]מצוה עדיף? (Here again it would seem that the point concerns the wearing of them the whole day).

Sherira's reply was: הכין חזינא, דבא"י מימות הראשונים כיון דנפישי גזרה (better in *'Iṭṭur*: דנפיש שמדא), ולא יכילו לאחותי (better לאנוחי) תפלין אשתכח מייניקין המזהירים בהון וביותר יושבי מדרשות (better in *'Iṭṭur*: מנהון) בבבל.

[123] About France see Tosafot to Sabb. 49a, s.v. כאלישע: ואין תימה על מה שמצוה זאת רפויה בידינו שגם בימי חכמים היתה רפויה. R. Moses of Coucy in סמ"ג, עשין, par. 3, gives us fuller information about the laxity of observance:

3. The Time of Blowing the Shofar on New Year.

The most significant feature of the New Year celebration was the blowing of the ram's horn (Shofar). It should have therefore introduced the divine service of the day and yet it is connected not with Shaḥarit service but with the Musaph. This change of time is traced back to the Hadrianic persecutions. Thus R. Yoḥanan explains the direction of the Mishnah (R. H. 32b) for the reader of Musaph to initiate the sounding of the Shofar as due to an occasion at "the time of perseuction."[124] Rashi's explanation that government officials would wait in the synagogues till the completion of Shaḥarit about midday in order to enforce the prohibition of תקיעת שופר, whereupon after their departure the Shofar was clandestinely sounded at Musaph,[125] is hardly to the point

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כך דרשתי פרשה זו בגליות ישראל להוכיח שכל אחד ואחד חייב בתפלין ומזוזות... עוד זאת דרשתי להם כי יותר חפץ הקב"ה באדם רשע שיניח תפלין מאדם צדיק, ועיקר תפילין נצטוו: להיות זכרון לרשעים ולישרם דרך טובה, ויותר הם צריכין זכר וחיזוק מאותם שגדלו ביראת שמים כל ימיהם... ויהי אחר ד"א ותתקצ"ה שנים לבריאת עולם היתה סיבה מן השמים להוכיח, ובשנת תתקצ"ו (1236) הייתי בספרד להוכיחם, ואמץ הקב"ה זרועותי בחלומות היהודים ובחלומות הגוים וחזיונות הכוכבים, ויט עלי חסדו ותרגז הארץ ותהי לחרדת אלהים ועשו תשובות גדולות וקבלו אלפים ורבבות מצות תפילין מזוזות וציצית, וכן בשאר ארצות הייתי אחר כך ונתקבלו דברי בכל הארצות. Cp. also כד הקמח (115b): יש מתרשלין במצות תפלין שאינן זהירין בהנחתן מפני שחושבין שהתפלין צריכין קדושה וטהרה יותר מדאי וכו'.

[124] (משנה) העובר לפני התיבה ביו"ט של ר"ה השני מתקיע... (גמרא) מאי שנא הלל דבראשון (viz. בשחרית) משום דזריזין מקדימין למצות, תקיעה נמי נעביד בראשון משום דזריזין מקדימין למצות? אמר רבי יוחנן: בשעת גזרת המלכות שנו. For גזרת המלכות, a phrase due to the censor, all Talmudic MSS. as well as other authorities have שעת השמד (see ד"ס, *a.l.*) which in the Talmud mostly means the Hadrianic persecution.

The Hif'il מתקיע indicates that the reader gave the direction for the sounding (by announcing תקיעה, etc.) to the בעל תוקע. Had he himself blown the Shofar, the Ḳal תוקע would have been used.

[125] Rashi (ibid., s.v. בשעת): אויבים גזרו שלא יתקעו, והיו אורבין להם כל שש שעות לקץ תפלת שחרית, לכך העבירוה לתקוע במוספין. The same explanation is repeated in Vitry, p. 385 (cf. p. 352 in responsum of Joseph Bonfils), *Or*

because during the Hadrianic persecutions the whole Synagogal service was proscribed. Moreover, the authorities would no doubt be attracted by the sound of the Shofar. Rashi had in mind the details in connection with the prohibition of the Shemaʻ by the Byzantines (above, p. 259) when the rest of the Synagogal service was more or less permitted. Of course, during the Hadrianic persecution there were cases of clandestine fulfilling of תקיעת שופר by injecting the sound into a pit or a vat as is evident from the Mishnah (ibid. 27b, top)[126] But open services were altogether prohibited and there could be no alternative of תקיעת שופר at Musaph instead of at Shaḥarit.

With the help of the parallel passage in Yer. R. H. (59c, ll.48 ff.)[127] we can understand R. Yoḥanan's statement better. It was evidently towards the end of the persecution (known as שלפי השמד),[128] after Hadrian's death (138 C. E.) and at the beginning of Antonius Pius' reign, when the rigor of the persecution was relaxed and the local Roman authorities would allow the Jews in certain pacified districts to resume their religious practices while in other places, still under suspicion of harboring some turbulent elements of the population, watchfulness was still maintained. It would occur that the sounding of the Shofar caused excitement among the Roman garrison as a revolutionary signal especially when a multitude was assembled in one place, albeit in a house of worship.[129] This time of unequal conditions prevailing in Palestine at the end of the persecutions seems to be reflected in the

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Zaruʻa, II, par. 264, שבה"ל, ed. Buber fol. 143 a.b., Tanya, ed. Hurwitz, p. 160. Only R. Ḥananel rightly quotes Yer. for the proper explanation.

[126] התוקע לתוך הבור או לתוך הדות או לתוך הפיטס, אם קול שופר שמע יצא, ואם קול הברה שמע לא יצא. Hai Gaon (cited in ש"ש, I, 35, bottom) rightly explains this passage: דברים הללו היו צריכין להם בימי השמד והמלכיות (read וגזרות המלכיות) שהם מתיראים מהם מלתקוע בגלוי.

[127] רבי יעקב בר אחא בשם רבי יוחנן: מפני מעשה שאירע. פעם אחת תקעו בראשונה והיו השונאים סבורין שמא עליהן הם הולכין ועמדו עליהן והרגום. מיגו דאינון חמי לון קראו שמע ומצליין וקוראין באורייתא ומצליי ותוקעין, אינן אמרין בנימוסין אינון עסיקין. About the variants see Ratner (אהבת ציון וירושלים, to R. H., pp. 47–48). Several authorities (like Isaac ibn Gayyat in ש"ש and others) seem to have had in Yer. the following ending, ואע"פ שבטל השמד התקנה לא זזה ממקומה.

[128] Cf. the meeting at Usha which took place בשלפי השמד (Cant. R. 2.5).

[129] Cf. Amos 3.6: אם יתקע שופר בעיר, ועם לא יחרדו?

Baraita (Yer. R. H., 59d top) stating that in one place the actual sounding of Shofar would take place while in another only a benediction over the Shofar would be recited.[130] One such an occasion, when the sudden sounding of the Shofar on New Year caused a panic in the Roman camp at a certain place in Palestine and resulted in an attack on the Jews assembled for worship, is reported by R. Yoḥanan. Hence, to assure the Roman authorities, the Jews would assemble in their synagogues on New Year and first occupy themselves with the Shaḥarit service and the reading of the Biblical portions. The authorities, suspicious of the Jewish assemblies, would become convinced that they were purely religious gatherings and would not be alarmed when the Shofar was sounded. This new arrangement thus remained in force even after the conditions that had called it forth had long passed in the course of time.

In the absence of another tradition R. Yoḥanan's report deserves credence as he was informed in historical matters (see Bacher, *Ag. d. Pal. Amor.*, I, pp. 207–08). Only later on R. Alexander gave an homilectic reason for the new custom as if to justify its retention even after the echoes of the Hadrianic persecution had long subsided.[131]

CONCLUSION.

The details discussed above, disregarding those dealt with in the last section (V), illustrate the struggle of the synagogue of Israel in the Magian-ridden empire of the Sassanids and still more in Palestine under the rule of Christian Byzantium. In essence this struggle turned on the freedom of giving public expression to the basic principle of Judaism, Monotheism, though other aspects, such as the teachings of the Rabbis, figured therein. In the long run the synagogue prevailed in obtaining this freedom. The modification of such an item as ברכת המינים, to remove its direct denunciation of the members of another faith, was a step in the right direction leading towards the acquisition of this freedom. The same applies to the adoration עלינו, on the whole a liturgical composition of sublime aspirations, yet marred at its beginning by a marked disparagement of the non-Jew.[132] These verbal disparagements are echoes of the times of trial and tribulation when amidst an environment of general religious intolerance the Jew was out of all proportion wronged as against his own wrongs to others. The protest of his outraged feelings found expression in the Seliḥah and in the Ḳinnah—varieties of the Piyyuṭ that seems to have been the outcome of Justinian's interference with the divine service of the synagogue—rather than in the original liturgy the bulk of which dated from before the era of religious intolerance. It is this original liturgy, though modified in course of the ages, that still forms the basis of the divine service of the synagogue of today.

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[130] במקום אחד תוקעין ובמקום אחד מברכין, which *'Iṭṭur* (ed. Lemberg, II, 43b, middle) correctly interprets (probably on the basis of Gaonic tradition): ומסתברא בימי השמד שמתיראין לתקוע בגלוי.

The question arises whether the whole benediction for תקיעת שופר was not instituted during the Hadrianic persecution as a substitute for the actual sounding of the Shofar which had been proscribed (see the discussion in Yer. R. H. 59d).

[131] See Pes. R. c. 40 (ed. Friedmann, 167b, 168a): אמר רבי פנחס בשם רבי יהודה בן לוי בשם רבי אלכסנדרי: למה אין תוקעין מן התפלה ראשונה אלא בתפלת מוספים? כדי שבשעה שהם עומדים בדין יהיו מצוין מליאי מצות הרבה ויזכו בדין וכו'.

Vitry, p. 385, correctly remarks that the retention of the custom later on was due to this homily: וכשבטלה הגזרה לא זזה (read זז) המנהג ממקומה (read, ממקומו) וסמכו על האמור בפסיקתא וכו'.

Appeendix (to pages 249–51).

DATE AND PLACE OF REDACTION OF SEDER ELIYAHU RABBA AND ZUṬṬA.

The various views about the time and the place of the authorship of this bi-sectional midrash are fully discussed by Friedman in his מבוא (pp. 91–102) and need not be entered in here again in detail. Theodor in his review of this מבוא (*M. G. W. J.*, vol. 47, 70–79), in criticizing Friedman's theory of assigning the work actually to the time of the Amora R. 'Anan, offers no suggestion of his own on the problem. The last to discuss the work is

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[132] About this adoration see Elbogen 80–81; cf. also Berliner, *Randbemerkungen*, I, 47–8, 49–50. Its daily recital at the end of the service is dated by Elbogen at about 1300. However, Vitry, p. 75, has it already with the

Eppenstein (*Beiträge zur Gesch. u. Liter. im Geon. Zeitalter*, pp. 182–3), who fastens himself on one detail, viz., the designation of the non-Jew as גוי, to come to the conclusion that the redactor did not live in a Muslim country but in a Christian environment, in Southern Italy, forgetting that if the work referred to conditions in Babylon in the Sassanid period, this expression גוי, even if granting Eppenstein's contention (already used by Güdemann) for argument's sake, would fit in well. G. Klein's curious theory (*Der Älteste Christliche Katechismus u. die Jüd. Propaganda-Literatur*, 1909, 68 ff.) that our work, in its original form, contained a program of proselytising for the heathens and was modified by a redactor living during the Crusades (sic!) need hardly be taken seriously. The writer is concerned with impressing upon *his own people* the ethics and morality of Judaism. The warnings against too intimate relations with the heathen (ed. Friedmann, pp. 45–48) are the best refutation of Klein's theory.

In discussing this remarkable Midrash the historical consideration of the general political situation of Jewry, as reflected in our work, is so often lacking. All scholars, who have assigned the redaction of this Midrash to the 10th century by reason of the late dates (see above, p. 249, and note 10), have overlooked the significant fact that nowhere is there mentioned the rule of Islām extending, as it did then, from Persia and the eastern provinces to Babylon, Syria, Palestine, Egypt and whole of North-Africa and reaching out to Europe by the occupation of Spain and also of Sicily. The great majority of the Jewish people were then living in this vast territory under the sway of the Muhammedans. The only reference in the work of the children of Ishmael, "over whom God permitted no nation to rule,"[133] evidently alludes to the more or less independent Arab tribes extending from the Arabian peninsula proper right to the confines of Babylon at the

indication to recite it quietly (ואומר בלחש עלינו לשבח) evidently because of its anti-Christian beginning. In the ritual of the English Jews before the expulsion in 1290 we find a long version also with a marked polemical allusion (*JQR.*, IV, 56–7). In the Palestinian ritual, as preserved in the Genizah fragments, עלינו seems to be given at the beginning of the daily service (see Mann, 276 and 325).

[133] Ch. 14, ed. Friedm., p. 65: ובשכר יראה קמעא שירא ישמעאל את אביו לא נתן הקב״ה רשות לכל אומה ומלכות שישלטו בבניו.

lower Euphrates. The author probably had specifically in mind the Arabs in the so-called kingdom of Ḥīra (in the neighborhood of Kufa), the rulers of which, though vassals of the Sassanids, retained a good deal of independence.[134] Of the great change to the better in the political situation of the majority of Jewry, as compared to conditions under Christian Rome and Byzantium, that resulted from the tremendous political ascendency of Islām since the death of Muḥammad and onwards, there is no allusion in our book which occupies itself so much with the sad treatment meted out to Israel by the אומות העולם depicting so poignantly their oppression and tyranny (see ed. Friedmann, pp. 15, 20, 24–5, 110, 111, 117, 120, 123, 133–4, 180, 197.)

When the author speaks of the dominions, who had shared among themselves "the world," so that Israel might survive between them and not be persecuted in its entirety were there a united rule over it,[135] he clearly refers to the two great empires of his time, viz. that of the Sassanids and of Byzantium (as Friedmann rightly maintaied, p. 114, note 11, end מבוא, p. 82). Both these empires maltreated Israel in his time, as is evident from the re-iterated complaints of oppression, but fortunately a respite was given to the large Jewries in both empires, comprising the vast majority of the Jewish people, by the very fact that the oppressive acts occurred at different times, and were not guided by a united policy. This situation did not obtain at the time of R. 'Anan at the beginning of the 4th century (against Friedmann's theory) because conditions in Babylon were really tolerable after the first flush of victory of the Magian Persians under Ardeshir (226 and following) had subsided. Likewise in the Roman empire the Jews were then still fully enfranchised, their political and civic status becoming imperilled only since the triumph of Christianity

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[134] About the Arab kingdom of Ḥīra in the time of the Sassanids, see Nöldeke, *Ṭabarī*, passim, and further Rothstein, *Die Dynastie der Laḥmiden in al-Ḥīra*, 1898.

[135] Ch. 20, pp. 113–114: פ״א הייתי עובר ממקום למקום, מצאני זקן אחד. אמר לי רבי: מפני מה חלק הקב״ה את עולמו לשני גוים, לשתי ממלכות? אמרתי לו: אילמלא כל העולם כולו ביד [גוי] אחד (insert כמו) סנחריב מלך אשור ונבוכדנצר מלך בבל, עמדו ועשו בהם בישראל כרצונם. הא לא חלק הקב״ה את עולמו לשני גוים לשתי ממלכות אלא כדי לשמור את ישראל.

(since 312) and especially since the reign of Constantius (from 337).

Likewise such a situation does not fit in for the 10th century (and in fact from the middle of the 7th century and onwards) when the Jews under the rule of Islām were by far better treated than under Christendom in spite of occasional outbreaks of fanaticism on the part of the dominant Muhammedans. Moreover, no author or redactor writing in the 10th century, whether in Babylon or Palestine or in Italy, would speak of "the world" (viz. the one wherein the bulk of Jewry was concentrated) as divided among two nations and *two empires* (שתי ממלכות), when the Jews in Christian Europe belonged to different dominions (Byzantium, the German empire, France, etc.) and when the Muhammedan world was split up into three Caliphates, viz. the 'Abbasid Caliphate centered in Bagdad, the Fāṭimid one centered in Mahedia, near Kairowan, and then after the conquest of Egypt in 969, in Cairo, and the Omayyad one centered in Cordova.

The political background of the Jewish situation, as evident from a close study of our Midrash, leads us to the second half of the 5th century when the large Jewry in the Sassanid empire began to experience real religious persecution since the fanatical outbreaks of Yezdejerd II in 454–5, followed by that of his son Perōz. This coincided with the chronic intolerance against the Jews prevalent in Byzantium and resulted in a general לחץ ישראל, in spite of which Israel was preserved, because in its vast majority it was under "two nations and two dominions," viz. Persia and Byzantium, so often at war with each other and not pursuing a unified policy with regard to the treatment to be meted out to the Jews.

There is further a clear reference to the Magians in Babylon and to their power in the state quite at the very beginning of our Midrash which those scholars, who assigned the work to the 10th century, ought to have first accounted for, in view of the elementary historical fact that the political power of the Magians came to an end with the overthrow of Sassanid Empire by the Muslims in 639. The author relates[136] of an official raid (evidently against the Jews) in "a great city in the world" (probably Ctesiphon, the capital of the Sassanids) in the course of which he himself was arrested. A Magian priest (חַבָּר)[137] had an argument with him about matters of difference between Judaism and Zoroastrianism, viz. why God had created repulsive creatures (שקצים ורמשים) which, according to Zoroastrian teaching, would be the work of Ahriman, the god of darkness and evil, and about the symbol of fire (light) as emanating from Hormuzd (Ahuramazda). This priest promised the captive his freedom, if he answered his questions, which indicates the political influence the Magians had on the government officials, whose raid probably was the result of the former's instigation. Such a situation obtained in Babylon and in Persia under the Sassanids, especially under Yezdejerd II and Perōz, who were dominated by the powerful Magian priests, but certainly not under the rule of Islām, not to speak of Italy where such a situation does not apply at all. The statement that "God created everything in His world except falsehood and iniquity" (Zuṭṭa c. 3, ed. Friedm. p. 175)[138] also seems to be directed against the Dualistic doctrine of Zoroastrianism that divided the creation between Ahuramazda and Ahriman.

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[136] Ch. 1, pp. 5–6: פ"א הייתי מהלך בכרך גדול שבעולם, והייתה שם תשחורת, ותפסוני והכניסוני בבית המלך, וראיתי שם מטות מוצעות וכלי כסף וכלי זהב שמונחין. . . בא אלי חבר אחד

Further indication of the author's familiarity with Jewish conditions in Babylon we have in the story of his visit to "a large city in the Diaspora of Babylon" inhabited entirely by Jews.[139]

ואמר לי: סופר אתה? אמרתי לו: משהוא. אמר לי: אם תאמר לי דבר זה שאני אומר [לך] לך לשלום. אמרתי לו: אמור. אמר לי: מפני מה ברא אלוה שקצים ורמשים?... אמר לי: אתם אומרים אש אינה אלוה, מפני מה כתיב בתורתכם „אש תמיד"? See also Friedmann, מבוא, p. 82. Reifmann's emendation (cf. ibid 94, note 3, end) בכרך גדול שבעילם is unnecessary, as probably Ctesiphon, the capital of the Persian empire, is meant.

[137] About the fanaticism of these Magian priests, see the Talmudic passages cited in 'Arukh s.v. חבר (ed. Kohut, III, 339–40).

[138] הכל ברא הקב"ה בעולמו חוץ ממידת השקר שלא ברא, ומידת עוול שלא ברא.

[139] Ch. 18, p. 100: פעם אחת הייתי מהלך בתוך גולה של בבל, ונכנסתי לעיר גדולה שכולה ישראל ואין בה גוים. Graetz (*Geschichte*, v., 4th ed., p. 335, note 2) takes בבל in our book to denote Rome in order to assign the work to Italy. But for this there is no proof. The above story certainly applies better to the large Babylonian Jewry where there would be cities entirely inhabited by Jews.

Graetz's further remark that "the twice repeated phrase: Gog and Magog's punishing judgment *has already* befallen the peoples (c. 3 and 5) surely (sic!) refers to the devastating invasions of the Hungarians into Italy during 889–

The story of the ignorant Jew, who raised his voice at the recital of the Ḳedushah (p. 66), also refers to Babylon. In the passage dealing with the Messianic times (c. 20, p. 113) evidently the Jews of Babylon are meant who would leave for Palestine and will be maintained by their non-Jewish neighbors.[140] In Babylon the Jews would leave behind all their sins and return to the Holy Land in purity.[141] Altogether from the cryptic passage in c. 18 (p. 98 top) it appears that the view was prevalent that Elijah had first to go down to Babylon before the appearance of the Messiah.[142] The Messianic hopes possibly inspired the author to put his Midrash into the framework of an account of Elijah's experiences during his peregrinations amidst Babylonian Jewry. Of the ardent desire and hope for the restoration of Israel, voiced by the Jews of his time amidst the tribulations of oppression, there are several indications in our Midrash.[143]

The mystical manner of the book of presenting Elijah as perennially visiting Israel throughout the Diaspora (בכל מקומות

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955)" is entirely unwarranted, as the text speaks of the coming and the downfall of Gog in the Messianic times! See p. 15, top: דם ובשר ושבר גוג לעתיד לבוא על הרי ישראל, מקצת דם ובשר ושבר על לוחצינו בעולם הזה עינינו רואות תמיד בכל יום, and so on p. 24. By הרי ישראל the mountains of Palestine are meant (cf. Ezek. 36.1). Güdemann (*Geschichte des Erziehungswesens u. der Cultur der Juden in Italien*, p. 302) makes this passage to be a reference to the invasion of the Mohammedans into Italy. How theories are evolved out of misunderstood simple passages! (Cf. also Friedm., מבוא, 99, note 3).

If anything could at all be deduced from this general vague statement that Jewish oppressors are to be seen meeting with evil ends even at present, one could venture to find therein an allusion to the defeats of the Persians under Perōz at the hands of the Huns (or Haitāl) resulting in the death of this oppressive king in 492. Altogether the Huns were in the 5th century the most feared enemies of the Sassanids (see Nöldeke, *Ṭabarī*, 115, note 2, and 119 ff.).

[140] Ch. 20, p. 113: כל גוים הנשארים בארץ (viz. Babylon) הולכין לארץ ישראל ומביאים בר לחם ומזון לתוך בתיהם של ישראל.

[141] P. 129: כל עונותיהן של ישראל מניחין אותן בבבל ועולין כשהן טהורין לא״י.

[142] Ch. 18, p. 98 top: ורמז רמזתי לְעולם שאני יורד תחלה לבבל, וא״כ יבוא משיח.

[143] Ch. 4 p. 19 top: כך כל חכם וחכם שיש בו דבר תורה לאמיתו ומתאנח על כבודו של הקב״ה ועל כבודן של ישראל כל ימיו, ומתאוה ומחמד ומצפה על כבוד ירושלים ועל כבוד בית המקדש ועל ישועה שתצמיח בקרוב ועל כינוס גליות.

See further pp. 53; 110: זכור כמה זקנים וזקנות יש בהן בישראל שמשכימין ומעריבין לבית הכנסת ולבית המדרש, מחמדין ומתאוין ומצפין לישועתך בכל יום תמיד (repeated also on p. 112).

מושבותיהם) induced the author to clothe the accounts of his own experiences of Jewish life in the form of Elijah having discussions with the sages at בית המדרש הגדול in Jerusalem (pp. 49, 51, 80, 122) and as hailing from Yabneh "the seat of sages and Rabbis."[144] The "great school of Jerusalem" and Yabneh are only metaphors of speech whereas really the Babylonian academies are meant. This fact of the author's presentation of his own experiences in the garb of Elijah's visit to Israel in the Diaspora is probably also the cause for his abandoning the usual Midrashic style of a mixture of Hebrew and Aramaic and composing his work purely in a Hebrew, so full of choice and characteristic expressions (see the list given by Friedmann, מבוא, pp. 118 ff.), which renders it so unique in the whole Midrashic literature. Elijah, the prophet of Biblical times, transplanted among the angels, who were not supposed to understand Aramaic (according to a widely spread tradition, cf., e.g., Soṭah 33a), naturally has to recount his journeyings, arguments and experiences in Hebrew! That no author in the Amoraic period could have written a work in such choice Hebrew and would have only to employ the Hebrew-Aramaic lingo found in the Talmud, is, of course, a weak argument that hardly requires a refutation (see the pertinent remarks of Friedmann, מבוא, 131, bottom, and 132, top).

How haphazardly there was detected that "in the whole work there blows, so to say, a European air" (to use Graetz's metaphor) can be seen from the theories evolved from the references in the book to trade and commerce and to the business relations between Jews and non-Jews by Güdemann (*l. c.*, 53–54) and Eppenstein (*l.c.*, 183), as if Italy was the only country in the world wherein such conditions obtained among the Jews! In the Babylonian Talmud there are many references to the occupations of the Jews including their journeys for purposes of business. One has only to refer to those who made sea journeys (נחותי ימא, Sabb. 20b, 21a, 90a, R. H. 21a, bottom, etc.) and to those who travelled to distant Aḥwāz (בי חוזאי) which route it took a caravan to cover there and back about 12 months (cf. B. Ḳ. 112b, bottom). Numerous data testify to their social and business relations with non-Jews in Babylon. Several statements of the Babylonian Amoraim reflect their observation of the standards of life of the non-Jews in their country.[145]

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[144] P. 95: מיבנה אני ממקום חכמים ורבנים, Zuṭṭa, c. 1., p. 168, top. The latter title רבן may refer to the Patriarchs who were thus styled. It certainly should not be construed in the sense of Rabbanites as against Ḳaraites.

The disputes, which our author had with people knowing or accepting the Bible only but not the Oral Law, have rightly been proved by Friedmann (מבוא, 93–98) to have no bearing whatever on Rabbanite and Ḳaraite polemics, as Bacher and Oppenheim had maintained. Our Midrash rather reveals the significant fact that as late as the second half of the 5th century there were still in Babylon people who opposed the Oral Law, and that this skepticism towards Rabbinic Judaism probably continued surreptitiously in the following centuries till it was organized into a formidable movement since the times of ʻAnan, the founder of Ḳaraism.

The whole evidence thus gathered from a close study of the work leads its origin back to Babylon in the Sassanid period (as Friedmann rightly maintained), however, not to the time of the Amora R. ʻAnan but rather to the second half of the fifth century. The complaint of the great oppression of Israel in both world empires of that time, viz. Byzantium and Persia, reflect well conditions in the latter country since the close of the reign of Yezdejerd II (454–5). The item of the prohibition of the Shemaʻ (above, pp. 247 ff.) strengthens this conclusion still more. W. Jabez[146] was on the right track in using the point of the prohibition of the Shemaʻ as a clue for fixing the approximate date of our Midrash but he soon went astray in explaining this prohibition to have fallen in the time of Heraclius after his reconquest of Palestine in 629. Hence our author became a Palestinian who even alluded to the then leader of the Palestinian Jews, viz. no less a person than Benjamin of Tiberias. Atlas (in הכרם, 96–102) rightly refuted Jabez by realizing that this prohibition of the

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[145] The whole matter cannot, of course, be entered in here. Cf. for the present Gezow, על נהרות בבל, 34–35, 41–43, and Funk, *Die Juden in Babylonien*, I, 18–19, 26–27.

[146] In Rabbinowitz's כנסת ישראל, I (1886), 382–86. Cf. the analysis of his arguments by Friedmann, מבוא, 98–102, but he, too, has no clear view on the matter, even venturing to suggest (p. 101) that the passage in c. 19 (p.110) הרי לך כמשיב על בנימין אחי refers to Benjamin of Tiberias!

Shema' should be connected with Yezdejerd's decree in 454–5. But he, too, soon lost his clue to go astray in his own speculation.[147]

Our dating of the book places it prior to the conclusion of the Babylonian Talmud which took place around 500 C. E. Hence the Mishnah is cited several times (שנו חכמים במשנה, see the enumeration of the passages by Friedmann מבוא, pp. 59–60) but never the Talmud as such.[148] Theodor's arguments (*l. c.*, 77–78) really do not explain this fact in the least. Why not a single Amora is mentioned by name seems rather to be due to the tendency of the author to anonymous quoting. Hence there are found many quotations beginning with אמרו חכמים, מיכן אמרו, אמרו (see the list, ibid. p. 60). But while realising this tendency it is not yet clear why he adopted this policy, though living at a time when the work of the Amoraim in Babylon was practically completed. But this is evident that had the Babylonian Talmud been before him in a complete form, as the Mishnah was, he would have used the expression שנו חכמים בתלמוד (or perhaps בגמרא) just as he introduced his Mishnaic quotations with the formula שנו חכמים במשנה. This consideration militates further against assigning the book to the 10th century when the Babylonian Talmud was the common property of Jewry all over the Diaspora. On the other hand in the second half of the 5th century the Babli, though arranged under the supervision of R. Ashi (d. 427) and his colleagues, remained still the guarded treasure of the Academies,[149] reaching its completion only about 500 and receiving still further additions and finishing touches by the Saboraim in the course of the 6th century. Living in Babylon our author also was not yet familiar with the Yerushalmi (supposedly concluded, or more correctly interrupted, about 425). A knowledge of the Yerushalmi seems to have penetrated to Babylon only later during the Gaonic period.

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[147] Cf. also Friedmann's criticism, מבוא, 102, note 1.

[148] In c. 18 (p. 106) the expression תלמוד in the sentence: אף כל חכם וחכם מישראל שיש בו דברי תורה לאמתו. יש בלבבו מאה מחשבות של מקרא מאה מחשבות של משנה ומאה מיני תשובות של תלמוד means of course arguments deduced by means of the Biblical exegesis (see Bacher, *Exeget. Terminologie*, I, 199 ff.). On p. 68 (משנה מדרש הלכות ותלמוד ואגדות) the word תלמוד is evidently a gloss (cf. Friedm., מבוא, p. 60).

[149] Regardless of the mooted problem whether in an oral or written form

MIDRASH HASHKEM QUOTATIONS IN ALNAQUA'S MENORAT HA-MAOR

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THE Midrash Hashkem is one of the medieval Hebrew works which, unfortunately, have been lost. More is the pity; as it seems to have contained a valuable collection of both aggadic and halakhic material, and to have enjoyed considerable popularity.

When and where was it written? This still is a matter of speculation, based on the few excerpts which have come down to us. Zunz[1] realized that it belonged to the eleventh or the tenth century, at least, and gave a list of old authors who had quoted it. Dr. Grünhut[2] has offered the conjecture that the Midrash Hashkem was the source of the *Midrash Espha* and originated in the 9th century at Alexandria. At any rate, Buber, in the Introduction to his edition of *Leḳaḥ Ṭob*, was the first to compile a list of thirty-four citations of the Midrash Hashkem in medieval literature (including the passage in *Leḳaḥ Ṭob*). On the basis of Buber's list, Grünhut compiled those fragments,[3] adding two references in *Ṣeror Ha-Mor*, which had escaped Buber, and one more in *Sepher Ha-Musar;* though including, I think, some passages which really did not belong to the quotations from the Midrash Hashkem. To that collection, we may now add two more passages, found in R. Joseph Nahmias's commentary on Jeremiah, which was described by Dr. Landauer in 1892 and edited by Dr. Bamberger in 1911–12[3a]; and three additional allusions in R. Zedekiah dei Mansi's *Shibbole Ha-Leḳet.*[3b]

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[1] Cf. *Die Gottd. Vortr.*, 2 ed., p. 294; *Ges. Schr.*, III, p. 251 ff.

[2] *Sepher Ha-Liḳḳuṭim*, I, Introduction, p. 9–14.

[3] *Op. cit*, I, pp. 2–20.

[3a] Cf. Cat. of Oriental Mss. at Karlsruhe, p. 10; *J. d. jüd.-liter. Ges.*, vol. IX, Hebr. part, p. 9 ff.; vol. X, Hebr., p. 1 ff., Germ., p. 381 ff. (For this reference, I am indebted to Prof. Alex. Marx.)

[3b] Cf. *Shibbole Ha-Leḳet*, ed. Buber, p. 19, and add *Hilkot Terephot*, VII.

If we examine Buber's list, we find that the oldest extant reference to the Midrash Hashkem is in the *Halakot* of Isaac Ibn Gayyat, who died in 1089 at Cordova and was buried at Lucena, Spain, his native town. Next, it is mentioned in *Leḳaḥ Ṭob*, whose author still lived at the beginning of the 12th century. It is there called Sepher Hashkem, a title it is given by some authors. Then there is a reference to it in *Sepher Ha-'Iṭṭur*, written by Isaac b. Abba Mari around the year 1175. About the same time, it is described by R. Samuel Ibn Jama' (Gama), the friend of R. Abraham Ibn Ezra, as having taken its halakhic material from R. Simeon Ḳayyara and translated it from Aramaic into Hebrew.[3c] Again, we find it mentioned by Isaiah di Trani (the Elder), who flourished in the middle of the 13th century. Rabbi Asher b. Yeḥiel—the Rosh—who died in 1327, also cites it, as does his disciple, named above, R. Joseph Nahmias. The largest number of actual quotations, however, in Buber's list are adduced from *Menorat Ha-Maor*, attributed to Isaac Aboab, and from the chapters of Israel Alnaqua's work bearing the same name, as copied by Elijah di Vidas in his *Reshit Ḥokhma*.

But had the Aboab of the *Menorat Ha-Maor* actually seen the Midrash Hashkem? I doubt it. Indeed, was there really such an Aboab, and if so, who was he? No one has been able to identify him, or to account for him. That he is not the historical Aboab of the 15th century, has become clear since Azulai[4] first expressed his doubt and Zunz[5] was stimulated by his friend, Heimann Joseph Michael,[6] to examine the question. This Aboab was invented by Zunz, in order to support the tradition which has associated with such a name the authorship of *Menorat Ha-Maor*. Zunz, in his learned way, made out a case in favor of an earlier Aboab, who lived not later than 1320, and such a person has since been included in the gallery of Jewish worthies. But nothing has ever been discovered whereby to give substance to this creation of Zunz—the Elder Aboab, or Aboab the First, as he is now called reverently. We are reminded that in *Menorat Ha-Maor* the author refers to other works he wrote, or planned to write, namely, *Aron Ha-'Edut* and *Shulḥan Ha-Panim.*[7] But those works do not exist, nor is there a trace of them in any other writings.[8] It seems more than likely that the association of *Menorat Ha-Maor* with an Isaac Aboab rests on an old error, started in the 16th century.[9] In the book itself there is no mention of a name, perhaps because, as the author states in the Preface,[10] it was written primarily for personal use and not for the sake of gaining a reputation. It is true that Zunz[11] detected an acrostic of Isaac Aboab in one section of the Preface to *Menorat Ha-Maor*; but the combination does not inspire conviction, while the Preface itself, consisting of several disconnected sections, is more or less a puzzle.[12]

[3c] Cf. *Ha-Maggid*, XV., 1871, No. 34, p. 269; *Wehizhir*, I, p. VI f. On Samuel Ibn Jama', cf. Steinschneider, *D. arab. Lit. d. Jud.*, p. 155, No. 105; Buber, in Graetz *Jubelschrift*, II, p. 1 ff; *He-Ḥaluṣ* XIII, p. 110 ff.

[4] Cf. *Shem Ha-Gedolim*, ed. Benjacob, I, p. 98.

[5] Cf. *Die Ritus*, p. 204 ff.

[6] Concerning him cf. Zunz's preface to *Oṣrot Ḥayyim*.

But there is another *Menorat Ha-Maor*, the authorship of which is certain. It was written by R. Israel b. Joseph Alnaqua,[13] who lived in Toledo and there died at the stake in the year 1391, together with R. Jehuda b. Asher. Alnaqua's work was well known for a long time after his death as a martyr. It was not only cited but copied extensively. The *Sepher Ha-Musar*, by Jehuda Ibn Ḳalaaṣ, which was first published at Constantinople in 1537 and became a sort of popular classic, was taken from it bodily, as Dr. Schechter saw when he examined the manuscript of Alnaqua's work.[14] Abraham Wilna, the son of the Gaon Elijah, in the Introduction to his midrashic lexicon, *Rab Pa'alim*, expresses admiration for Ḳalaaṣ, as he appears to have been versed in talmudic literature and to have known numerous midrashim now lost. He proceeds to quote a number of passages which Ḳalaaṣ was supposed to have taken from those vanished volumes. But the tribute was really due to Alnaqua, from whom Ḳalaaṣ got his material.[15]

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[7] Cf. Preface, ed. Mantua, p. 2a; also, p. 41b, 42b, 44a, 55a.

[8] *Seder Ha-Doroth*, ed. Maskil-L'etan, III, p. 68, refers to the Introduction of Karo's *Bet Yoseph*. But what Karo mentions is the commentary on the *Oraḥ Ḥayyim* by the historical Isaac Aboab, which he quotes often, and a copy of which is now in the library of the Jewish Theological Seminary of America.

[9] Abraham Zacutto, *Yuḥasin*, ed. London, p. 28a; *Shalshelet Ha-Ḳabbala*, ed. Warsaw, p. 84; *Reshit Ḥokhma*, ed. Constantinople, p. 188b, 214b.

[10] Cf. p. 3b. [11] *Ritus*, p. 210. [12] Cf. Benjacob, *Oṣar* p. 339.

[13] On the Alnaqua family, cf. Zunz, *Zur Geschichte*, p. 434 ff. The correct spelling of the name would seem to be Alnaḳawa; but I have retained the form popularized by Zunz. In his Introductory Poem, the author calls himself: Israel ben R. Joseph Ben Alnaḳawa ישראל ברבי יוסף נוחו עדן בן אלנקאוה.

[14] *M. G. W. J.*, vol. 34 (1885), p. 114 ff.—Cf. Dukes, *Naḥal Ḳedumim*, II, p. 61.

Another sixteenth century author, Elijah di Vidas, in his *Reshit Ḥokhma*, copied several chapters from Alnaqua's work, and thus has served to direct to it the attention of modern readers. But, in addition to those chapters, the *Reshit Ḥokhma* quotes Alnaqua repeatedly,[16] and again and again copies from him copiously without acknowledgement. For instance, there is the *Margenita d' R. Meir*, an old midrash that has become known as *Margenita d' be Rab:* it is found as *Margenita shel R. Meir* in *Reshit Ḥokhma*,[17] where it is said to be transcribed from a manuscript. But the manuscript probably was that of Alnaqua's *Menorat Ha-Maor*, which contains this midrash under the name of *Margenita d' R. Meir*,[18] and refers to it in its Introduction in language implying that this midrash was a large work, containing much more than this particular excerpt.[19] It is this fragment of Alnaqua's that has been reprinted several times.[20] Again, there is the discussion of the subject of conjugal relations, concerning which Nehemiah Brüll asserted that the *Reshit Ḥokhma*, as well as others, had taken it from Naḥmanides, without naming him.[21] It so happens, however, that *Reshit Ḥokhma* does name Naḥmanides. What it does not mention is that it transcribed the long quotation of Naḥmanides's epistle from Alnaqua's work. That it did so is proved by the fact that at the end of that quotation it unwittingly adds a paragraph of Alnaqua's text.[22] Di

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[15] Cf. *Rab Pa'alim*, pp. 25–26 and the Supplement, *Yeri'ot Shelomo*, pp. 35–36. This applies, also, to Wertheimer's use of Ḳalaaṣ in his Midrash Iyob, p. 7.

[16] Cf. Constantinople edition pp. 190a, 191a, 206a, 244b–248b, 260b.

[17] Cf. *Ibid.* p. 37a. [18] Ms. p. 136b ff.

[19] Ms.p. 5a: ומרגניתא דר' מאיר ופרקיו, מלא על כל אפיקיו.

[20] Cf. Jellinek, *Beth Ha-Midrash*, II, p. 120; Eisenstein, *Ozar Midrashim*, II, p. 355; and my essay on Raphael Norzi, *Hebrew Union College Jubilee Volume*, p. 377, Note (in revised form in reprint).

[21] Cf. Brüll's *Jahrbücher*, vol. II, p. 166.

[22] Cf. Const. ed. pp. 219a–223a; MS. Alnaqua, p. 270b–276a.

Vidas's failure to name Alnaqua on this occasion seems especially ungracious as in beginning his discussion of the whole subject, he sends his readers to Aboab's *Menorat Ha-Maor* for a collection of the views of former teachers, while he helps himself to Alnaqua's pages. Indeed, he probably copied from Alnaqua a good deal more than has been shown as yet.

Was not Alnaqua's work the source, also, of *Menorat Ha-Maor* attributed to Isaac Aboab?[23] If one compares the two texts, one cannot escape such a conclusion. Every subject discussed in the printed *Menorat Ha-Maor* is covered by Alnaqua. The only difference is that Alnaqua is more complete and learned, and that his arrangement of the material is more logical. Also, he often names his sources where Pseudo-Aboab (if I may so call him) omits them, as in the discussion of marriage to which I have just alluded and which Brüll accused Aboab of having plagiarized from Naḥmanides, not knowing that Alnaqua was the immediate source. Besides, there is more of the personal element in Alnaqua's work, both in his Introduction, in the course of his text, where he often presents personal opinions and local customs, and in the acrostic verses prefacing most of his chapters, as well as in the long poem preceding the entire work. Pseudo-Aboab is less personal and more popular. But it seems clear that his work is a reproduction of Alnaqua's work for a less learned public than the one Alnaqua addressed.

There is one further difference: Alnaqua's work, in addition to his purely ethical teachings, includes many halakhic provisions and a complete arrangement of ritual observances. Those halakhic and ritual portions Pseudo-Aboab omitted to a large extent, and they were probably the ones he meant to include in the two other works he refers to in his Preface and elsewhere in his book. For instance, in discussing the kind of work permitted on the intermediate days of the festivals, his text,[24] though abridged, parallels that of Alnaqua,[25] expounding the general principles. When it comes to details, however, he says that this is not the place for them, and refers to *Aron Ha-‘Edut*. It is those very details that Alnaqua proceeds to elaborate. The same is true of the other passages in which Pseudo-Aboab refers to his other compilations; in all instances they belong to aspects of the subject covered in full by Alnaqua.

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[23] Dr. Efros, in his article on *Menorat Ha-Maor*, realized that it was indebted to Alnaqua. Cf. *J. Q. R.*, *N. S.*, IX, (1918), p. 337 ff.

[24] Cf. ed. Mantua, p. 54b, 55a. Incidentally, the opening words of Pseudo-Aboab's passage on Ḥol Ha-Mo'ed are worth noting. While the chapter deals with Sukkoth, there is an unexpected reference to Passover; no doubt, because under Passover—Pseudo-Aboab omits Ḥol Ha-Mo'ed, and he tries to cover the

However, I do not mean here to discuss at length the relation of Pseudo-Aboab to Alnaqua, as I shall hope to do on some future occasion. What here I have in mind are the passages from the Midrash Hashkem cited by Pseudo-Aboab. It is surely not by mere chance that they are all found in Alnaqua, who, in his Introduction, definitely names the Midrash Hashkem among the works he has drawn upon. Indeed, one of the interesting and valuable features of Alnaqua's work is in the numerous midrashim he quotes, and some of which have come down to us, at least partly, through him; as *Margenita d' R. Meir*, mentioned above, and *Ḥupat Eliyahu Rabba*, which, also, Di Vidas copied from him.[26] Alnaqua's pages are strewn with midrashic quotations from sources both known and unknown at present.[27] As

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omission here by a peculiar summary. He says: ימי חול המועד הם הימים שבין ראשון ושׁשי של פסח וראשון ושמיני של סכות. It is in his section on Passover that Alnaqua discusses the kinds of work forbidden on Ḥol Ha-Mo‘ed. Cf., also, *ibid* p. 41b, 42b, 44a.

[25] MS. p. 76a.

[26] Cf. *Rab Pa‘alim* p. 59 ff.; p. 87, note 2; Zunz, *Got. Vortr.*, p. 298, note b; Eisenstein, *Ozar Midrashim*, I, p. 162 ff. The quotations in Pseudo-Aboab from *Ḥupat Eliyahu*, no doubt, were taken from Alnaqua, as are all excerpts from the Midrash Minnayin credited to him by Wertheimer in his *Midrashim Kitbe Yad* (Cf. MS. p. 49a–50a).

[27] The making of his book he describes as follows (p. 5a): ונגד לבי הספר הזה שויתי, עד אשר כיד אלהי הטובה עלי אותו כליתי, והטבעתי יסודו על יסוד הספרים, ויריתי את פנתו על פסקי המחברים, ומהחיבורים הקדמונים אשר היו לפנים, ומן המקרא והמשנה והאגדתא מתלמוד בבלי ומתלמוד ירושלמי, ומן התוספתא ומפרקי ר' אליעזר ומפסיקתא וממכילתא, ומספרא וספרי, ומהלכות גדולות, ומספר היכלות, וממדרש חזית, ומדרש השכם וממדרש תנחומא, המגלה כל תעלומה, ומילמדנו רבינו, ומתשובות גאונינו, וממדרש של ר' נחוניא בן הקנה, עדות נאמנה, ומחופת אליהו זוטא ורבה, ומבראשית רבה, וכהנה רבות, ומשאלות והתשובות, וממרגניתא דר' מאיר ופרקיו, מלא על כל אפיקיו. וספרי הר' משה בן מימון, אשר בחיק החכמה אמון, והר' משה ן' נחמן עד נאמן, ומספרי כל מביני שמועה, ומאורח חיים ומחושן משפט ואבן העזר ויורה דעה.

for the Midrash Hashkem, in addition to the passages of Pseudo-Aboab, there are in Alnaqua a number of other quotations from it, valuable in themselves and affording a better idea than we have had of the extent of that lost Midrash.

It seems strange that Alnaqua's work should have remained unprinted, while others—such as the author of *Sepher Ha-Musar*—gained fame out of his pages. It goes to prove that a good deal depends on luck, if not all, as the Hebrew saw has it. The *Jewish Encyclopedia*[28] states that it was printed in 1578, and others have repeated this assertion. But no one has ever seen a copy.[29] What appeared at Cracow, in 1593, under the title of *Menorat Zahab Kullah*, posing as an abridged edition, was in reality an excerpt from the Cracow edition of the *Reshit Ḥokhma*, retaining, beyond the first sheet, even its pagination.[30] All that is left of Alnaqua's work as a whole is one solitary manuscript, which is found in the Bodleian Library. It was described several years ago in the *M. G. W. J.* by Dr. Schechter, who was drawn to it by Di Vidas's excerpts.[31] Some day I hope to be able to publish this manuscript for its own sake, and as a tribute to its author. Meantime, I have collected its quotations from the Midrash Hashkem. Among them are a number of passages which have never been printed. But even among those which have appeared previously, it will be seen how many in the first instance were saved from oblivion by Israel Alnaqua.

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[28] Vol. I, p. 437.

[29] The author of the article in the *Jew. Enc.* probably took the date 1578 in Steinschneider's *Cat. Bod.* (No. 5547) to refer to *Menorat Ha-Maor*, while it really refers to the first ed. of *Reshit Ḥokhma*.

[30] Cf. Fürst, *Bibl. Jud.*, I, p. 41.

[31] Cf. *loc. cit.*; Neubauer's *Catal.* No. 1312. While reading the proof of this article, I was informed by Prof. Alex. Marx that in a 16th century Ms. of Joseph Ibn Chikitilla's *Kelale Ha-Miẓwot*, recently acquired by the Library of the Jewish Theological Seminary, he had discovered several leaves which seemed to be from Alnaqua's work. On examination, I was able to identify eight of those stray leaves (16 pages) as belonging to various parts of our work.

MIDRASH HASHKEM QUOTATIONS IN ALNAQUA'S MENORAT HA-MAOR

From a unique Manuscript in the Bodleian Library, Oxford.*

I

דבר אל בני ישראל ויקחו לי תרומה: כל מקום שנא'
לי ר"ל לי בעולם הזה ולעולם הבא: כי לי כל
בכור, בעולם הזה ולעולם הבא; והיו לי הלוים, בעולם
הזה ולעולם הבא; ואתם תהיו לי, בעולם הזה ולעולם
5 הבא; ויקחו לי תרומה, בעולם הזה ובעולם הבא.

ובזכות הצדקה שישראל עושין הב"ה נותן טל ומטר בעתו
בארץ. שכך אמר דוד ברוח הקדש: ישאו הרים שלום לעם
וגבעות בצדקה. כשראה דוד הדינים והצדקה חביבין לפני
הב"ה כל כך תפש בשניהם, שנא' ויהי דוד עושה משפט וצדקה
10 בארץ. אמ' לפני הב"ה: רבונו של עולם עשינו ערבותנו, אף אתה
עשה ערבותך. באברהם אבינו ע"ה כתיב: כי ידעתיו למען
אשר יצוה את בניו ואת ביתו אחריו ושמרו דרך ה' לעשות
צדקה ומשפט למען הביא ה' על אברהם את אשר דבר עליו;
אף אתה עשה ערבותך, שנא': ערוב עבדך לטוב,
15 כלומר, עשה ערבותך שלא נרד לגיהנם; שאם אין כבודך
עורבנו, מי יוכל לעורבנו? וכן חזקיה ע"ה אמר: כסוס
עגור כן אצפצף, אהגה כיונה, דלו עיני למרום, ה'
עשקה לי ערבני; שאם אין כבודך עורבנו, מי יוכל
לעורבני? וכן אמר איוב: שימה נא ערבני עמך מי

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*I am indebted to the Librarian and the staff of the Bodleian Library for many courtesies in the summer of 1925, and for the privilege of securing a rotograph copy of this Manuscript (Opp. 146), which was kindly prepared for me by the University Press at Oxford.

While reading the proof, I learned that the first five lines of I, II, VI, IX, and X were published by Dr. Neubauer in *R. E. J.*, XIV (1887), p. 107 f. Cf., also, *ibid.* XIII, p. 228.

Line 1. Ex. XXV, 2.
Line 3. Nu. III, 13.
Line 4. Ex. XIX, 6.
Line 4. Ps. LXXII, 3.
Line 10. 2 Sam. VIII, 15; M. T. לכל עמו ;עשה
Line 13. Gen. XVIII, 19.
Line 14. Ps. CXIX, 122; M. T. ערב
Line 18. Is. XXXVIII, 14.
Line 19. Job XVII, 3.

הוא לידי יתקע; אלו היה חוב של כסף וזהב הייתי נותן ערבנין, עכשיו שהוא נפש, מי נותן את נפשו עלי? לכך אמר דוד: ערוב עבדך לטוב; אני עשיתי את שלי, קיימתי משפט וצדקה, אף אתה עשה שלך, ערוב עבדך לטוב. וכל מה שהב"ה עושה בעולמו אינו עושה אלא בשתי מדות הללו ושתיהם בידו: צדק בימינו, שנא' צדק מלאה ימינך, ומשפט בידו, שאין שמאל למעלה, כדכתי' ותאחז במשפט ידי. אמר הב"ה למשה: לך אמור להם לישראל שמי אהיה אשר אהיה, כלומר כשם שאתה הווה עמי כך אני הווה עמך: מסרתי לכם שתי מדות טובות משפט וצדקה, אם עושים אתם משפט אף אני עושה משפט ומשפיע לכם את העולם, ואם אין אתם עושים משפט, אני אעשה משפט ומחריב את העולם; וכן בצדקה, אם אתם פותחין את ידיכם בצדקה ונותנין לעניים אף אני אפתח את ידי בצדקה, שנא' יפתח ה' לך את אוצרו הטוב את השמים לתת מטר ארצך בעתו ולברך את כל מעשה ידיך והלוית גויים רבים ואתה לא תלוה; ואם אין אתם פותחין את ידיכם בצדקה אף אני אעשה כן, שנא' הן יעצור במים ויבשו. וכת' אעצר השמים ולא יהיה מטר: בשר ודם כשעצר ידו על הספוג יוציא את מימיו, וכשפותח ידו קולט את מימיו, אבל הק"ה כשעצר ידו קולט המים, שנא' הן יעצור במים וייבשו; וכשפותח ידו נותן טל ומטר על פני האדמה, שנא' יפתח ה' לך את אוצרו הטוב את השמים לתת מטר ארצך בעתו ולברך את כל מעשה ידיך והלוית גוים רבים ואתה לא תלוה.

(MS. p. 9a–b.)

Line 26. Ps. XLVIII, 12.
Line 27. Dt. XXXII, 41.
Line 28. Cf. Ex. III, 14.
Line 37. Dt. XXVIII, 12; M. T. יָדֶךָ
Line 38. Job XII, 15; M. T. יעצר
Line 39. 2 Chr. VII, 13; MS. יעצר את הש'

Line 46. For line 1 ff., cf. *Tanḥuma* (Yelamdenu), *Terumah*, III end (ed. Horeb, p. 278): כל דבר שאמר הקב"ה בתורה לי ישנו בעולם הזה ולעולם הבא. כיצד והארץ לא תמכר לצמיתות כי לי כל הארץ (ויקרא כ"ח כ"ג) בעה"ז ולעה"ב. The rest resembles our text. Cf. *Tanḥuma*, ed. Buber, *in loc.* (Ex., p. 90); Midrash *Wehizhir*, I, p. 77a. In the דרוש על התורה by R. Judah Löw b. Bezalel we read (ed. Warsaw, p. 12a): ובמדרש כל מקום שנאמר לי הוא קיים לעולם: הוא בעולם הזה ובעולם הבא ע"כ.

II

מעשה בר' ישבב שבקש לבזבז יותר מחומש ולא הניחוהו
חכמים. ר' עקיבא אומר והוא שיבזבז מחיים, כדי שלא ירד
מנכסיו ויצטרך לבריות, אבל לאחר מיתה רשאי. א"ר אלעזר
בן עזריה ומה אם לגבוה אין אדם רשאי להחרים כל
נכסיו קל וחומר להדיוט שיהא אדם חייב לחוס על ממונו.

(MS. p. 16a.)

III

אם על תודה יקריבנו וגו': ראה היאך הב"ה סולח לעונותיהם
של ישראל; מה היו מקריבין על זבח התודה? חלות ורקיקין;
אמר הב"ה, מי שיש לו פר יביא פר, איל יביא איל,
שה יביא שה, יונה יביא יונה, ומי שאין לו אחד מכל
אלו יביא סולת, ומי שאין לו ולא כלום יביא דברים,
שנא' קחו עמכם דברים וגו'.

אמר ר' שמעון בן גמליאל:
גדולה חיבתן של ישראל שהב"ה משנה סדר בראשית בשביל
חיבתן של ישראל, שהוא מוריד להם גשם מן השמים
ומעלה להם טל מן הארץ, שנא' ותעל שכבת הטל,
וכן, אף שמיו יערפו טל.

כיון שראה משה רבינו ע"ה
מתן שכרם של צדיקים אמר: אשריך ישראל וגו' מגן עזרך
כנגד אברהם דכתיב ב"ה אשר מגן צריך בידיך. ואשר חרב
גאותך כנגד יצחק שפשט צוארו כנגד החרב. ויכחשו אויביך

Line 6 ff: Cf. Midrash *Wehizhir* I, p. 84–85, where this part is reproduced with some changes. For the dependence of Wehizhir on Hashkem, cf. Freimann's ed. of Wehizhir, Introduction, p. XII f.

Line 6 Cf. Mishnah, ‘*Arakhin*, VIII, 3: מה אם לגבוה אין אדם רשאי להחרים כל נכסיו על אחת כמה וכמה שיהא אדם חס על נכסיו. Rashi comments: שלא יבזבז להדיוט Cf. T. B. ‘*Arakh*. 28a; *Kethub*. 50a, 67b.

Line 1. Lev. VII, 12.
Line 6. Hos. XIV, 3.
Line 9. Ex. XVI, 14.
Line 10. Dt. XXXIII, 28.
Line 11. *Ibid*. 29.
Line 12. Gen. XIV, 20.
Line 14. *Ibid*. XXXVI, *k*.

לך כנגד יעקב, דכתיב וילך אל ארץ מפני יעקב אחיו, פי' שהלך לו עשו לארץ אחרת מפני פחדו של יעקב. ואתה על במותימו תדרוך כנגד מרדכי, דכתיב ויקח המן את הלבוש ואת הסוס וילבש את מרדכי וגו'; מי גרם למרדכי להנצל מאויביו ולבא לידי הגאולה הזאת? מפני שהיה מתפלל בכל שעה, שנא' ומרדכי ידע את כל אשר נעשה ויקרע מרדכי את בגדיו וילבש שק ואפר ויצא בתוך העיר ויזעק זעקה גדולה ומרה.

(MS. p. 26b.)

IIIa

מעשה בר' יוסי בן קיסמא שאירע לו בשני ילדים שנשבו מירושלים על ידי הגמון אחד. הלך ר' יוסי ואמר לו: טול מנה ותן לי הילדים. אמר לו: לאו. מיד תלה עיניו לשמים, וירד מיכאל מן השמים והתחיל לצערו. והיו חביריו מסובין אצלו. אמרו לו: כלום הקנטת אותו צדיק? אמ' להן: הן. הביאוהו, וכיון שבא, מצא מנוחה. אמ' לו: תן מנה וטול הילדים. אמ' לו: אם נפשך טול שמונים. מיד כעס ואמ' הוציאוהו מעלי. כיון שיצא התחיל להצטער; אמר, הביאוהו. אמר: תן שמונים וקבל את הילדים. אמ' לו: אם נפשך טול חמשים. וכעס. התחיל להצטער. אמ' תן חמשים. והיה פוחת ויורד עד שאמר: הרי הם נתונים לך במתנה בחנם. אמ' לו ר' יוסי: העבודה, איני זז מכאן עד שתחשוב ותתן לי שכירות הילדים מיום ששבית אותם מירשלם עד היום הזה.

Line 16. Est. VI, 11 MS. את כל הלבוש; after מרדכי MS. has יצ״א.

Line 20. *Ibid.* IV, 1. MS. ויצעק צעקה

Line 21. For line 1 ff. cf. *Tanḥuma*, *Ṣav*, 8, (ed. Buber, p. 17): מה היו מקריבין להקב׳ה? והקריב על זבח התודה. Our text seems more correct.

For line 6 ff. cf. Mekhilta, בשלח, 2 (ed. Weiss, p. 56): רבן שמעון בן גמליאל אומר בוא וראה מה חביבין ישראל לפני המקום, ולפני שהם חביבים לפניו שנה עליהם מעשה בראשית, עשה להם תחתונים עליונים ועליונים תחתונים; לשעבר היה הלחם עולה מן הארץ והטל יורד מן השמים, ועתה נתחלפו הדברים, התחיל הלחם יורד מן השמים והטל עולה מן הארץ.

Line 1. In our Ms. this passage follows III and seems to be part of the same quotation from Hashkem, illustrating the efficacy of prayer. With some changes it appears in *Sepher Ha-Musar* (p. 28b, bottom).

Line 2–3. *Sepher Ha-Musar* has שר for הגמון.

Line 5. Ms.: הקטנת.

ספרו ומנו זה עם זה ועלה שכירות הילדים אותם הימים שלשים מנה במנין צרי; שקל ונתן בחקם של ילדים ויצאו.

(MS. p. 26b.)

IV

עצרת תהיה לכם: אמר ר׳ אלכסנדראי משל למלך שבאה לו שמחה, כל ימי המשתה מטרונה אומרת לבני פלטרין: עד שהמלך בשמחתו שאלו ממנו צרכיכם; כיון שראתה שתמו ימי המשתה והם לא שאלו משכה להם עוד יום אחד כדי שישאלו בו. כך כל ישראל שבעת ימי החג התורה רומזת לישראל ואומרת: שאלו מה׳ מטר; ורמז לדבר בפרשיות: אומר וביום השני פרים וגו׳ ונסכהם: מ״ם יתירה; בששי ונסכיה: יו״ד יתירה; בשביעי כמשפטם: מ״ם יתירה; סימן מים; מכאן לניסוך המים מן התורה בחג. וכיון שלא שאלו בשבעת ימי החג כבשה להם התורה עוד יום אחד, לכך נאמר ביום השמיני עצרת תהיה לכם. לכם בגימטריא תשעים כמנין מים ובו שואלין את הגשמים.

(MS. p. 118a.)

Line 16. *Sepher Ha-Musar* has שמונים מנה כמנין סודי.

Our Ms. has במנין followed by a word that looks like צדי and is evidently corrupt.

(Very likely צדי in Ms. should be read צֹרִי (better צוֹרִי), i. e., 30 Minas in Tyrian coins (בְּמָנִין צוֹרִי). The Tyrian Mina is mentioned several times in the Talmudic literature Cf. e. g., Bekhorot 49b, bottom: מנה צורי, אמר ר׳ אסי מנה של צורי (better צור); Rashi מנה של צורי, היוצא במדינת צורי (read צור). The author of *Sepher Ha-Mu-sar* misunderstood the phrase and therefore corrected it as כְּמִנְיַן סודי, viz. the numerical value of 80, and hence שלשים מנה became שמונים מנה to agree with his גימטריא! J. Mann.)

Line 1. Nu. XXIX, 35.

Line 7. *Ibid.*, 17–18.

Line 8. *Ibid.*, 30; 33.

Line 13. Cf. Pesiḳta, ed. Buber, p. 193b; Pesiḳta Rab., ed. Friedmann, p. 202b: shorter version, with some variations, especially עד שהמלך באלריא שלו for בשמחתו (line 3).

For line 7–10 cf. also *Siphre, Pinhas*, 150 (ed. Friedmann, p. 55a); T. B. *Taanith*, 2b: the word יתירה does not occur in parallel passages, nor does the final sentence referring to גימטריא.

V

ד"א ביום השמיני עצרת תהיה לכם: א"ר אלכסנדראי משל למלך שבאה לו שמחה; כל שבעת ימי המשתה היה בנו של מלך טרוח עם האורחים, כיון שיצאו שבעת ימי המשתה אמר המלך לבנו: בני יודע אני שהיית טרוח עם האורחים ועתה אני ואתה נשמח יום אחד ואיני מטריח עליך הרבה אלא תרנגול אחד וליטרא אחת בשר. כך כל שבעת ימי החג ישראל עסוקין בקרבנותיהם של אומות העולם. ואמ' ר' פנחס: כל אותן שבעים פרים שהיו ישראל מקריבים בחג כנגד שבעים אומות הם כדי שלא ישטינו עליהם, מפני שאומות העולם מתקנאין בתפלותיהן של ישראל ובאהבת הב"ה לישראל, שנא' תחת אהבתי ישטנוני ואני תפלה. וכיון שיצאו שבעת ימי החג אמ' הב"ה לישראל: אני יודע שכל שבעת ימי החג הייתם עסוקים בקרבנותיהם של אומות העולם ועכשיו אני ואתם נשמח יום אחד ואיני מטריח עליכם בקרבנות אלא פר אחד ואיל אחד; וכיון ששמעו ישראל התחילו מקלסין להב"ה ואומרים: זה היום עשה ה' נגילה ונשמחה בו. א"ר אבין אין אנו יודעין במה לשמוח אם ביום אם בהב"ה, אלא ממה שאמר הביאני המלך חדריו נגילה ונשמחה בך: בך בהב"ה בך בתורתך בך בישועתך. אמר יצחק: נגילה ונשמחה בעשרים ושתים אותיות שכתבת עלינו בתורתך כמנין בך, והם כ"ב אותיות שבאלפא ביתא.

(MS. p. 118a–b.)

VI

ועיני רשעים תכלינה ומנוס אבד מנהם; התשובה לפניהם ואינן עושין תשובה. משל לכת לסטין תפשן המלך וחבשן בבית האסורים, מה עשו, חתרו חתירה אחת ויצאו להם; אחד מהם לא ברח אלא נשאר בבית האסורין.

Line 1. Nu. XXIX, 35.
Line 10. Ps. CIX, 4.
14. Nu. XXIX, 36.
15. Ps. CXVIII, 24.
Line 17. Cant. I, 4.

Line 20. Cf. *Pesikta, ibid.; Pesikta Rab., ibid.:* shorter versions. Cf. Buber's note in *Pesikta* (72) on parallel passages. For line 7 ff., Pesikta reads: כנגד שבעים אומות שלא יצאו העולם מהם. *Tanhuma:* אתה מוצא בחג ישראל מקריבים שבעים פרים על שבעים אומות, לפיכך היו צריכין להיות אוהבין אותנו; לא דיין שאין אוהבים אותנו, אלא עוד שונאין אותנו. This explanation comes nearest to our text. Cf. *Midrash Tadshe*, ed. Epstein, p. XXIX.

Line 1. Job, XI, 20.

לבקר מצאו המלך, אמר לו: שוטה שבעולם קשה חתירה היתה לפניך, למה לא ברחת, חביריך שברחו מה אני עושה להם? כך אמ' הב"ה לרשעים, למה לא חזרתם בתשובה והייתי סולח לכם כשם שחזרו אחרים בתשובה וסלחתי להם? עליכם הכתוב אומר: ועיני רשעים תכלינה ומנוס אבד מנהם ותקותם מפח נפש.

(MS. p. 139a.)

VII

ואשׁם דברי בפיך וגו': אתה מוצא כשבקש הב"ה ליתן תורה לישראל החזיר על כל האומות ולא קבלוה. בקש להחזיר את העולם למדידת מים שנא' עמד וימודד ארץ ראה ויתר גוים ויתפוצצו הררי עד שחו גבעות עולם הליכות עולם לו. הה שבשביל שקבלו ישראל את התורה נתיישב העולם.

(MS. p. 164b.)

VIII

התורה נמשלה ליין ולחלב שנא' לכו שברו ואכלו ולכו שברו בלוא כסף ובלוא מחיר יין וחלב. היין יפה לזקנים וחלב לתינוקות. מה חלב זה מגדל את הקטן ומשעשעו והיין נותן כח לזקן ועושה לו נחת רוח ומשיב את נפשו ומאיר את עיניו, אף דברי תורה נותנין כח למי שעוסק בהן ומאירין את עיניו ומשיבין את נפשו; שנא' תורת ה' תמימה וגו'.

(MS. p. 165b.)

Line 5. MS. קשה יום חתירה.

Line 10. Cf. *Ḳohelet Zuta*, VII, 16 (ed. Buber, p. 114); *Yalḳut Shimeoni*, Job XI (No. 906). Our text is nearer the former than the latter.

Line 1. MS. ואשים Is. LI, 16.

Line 5. Hab. III, 6.

Line 6. Cf. *Tanḥuma*, *Shemini*, 10 (ed. Buber, Lev., p. 28); Yalḳut Shimeoni, Hab., III, 6 (No. 563).

Line 1. MS. ואכולו.

Line 2. MS. בלא Is. LV, 1.

Line 7. Ps. XIX, 8 ff.

Line 8. Cf. *Midr. Shir Ha-Shirim*, I, 19: נמשלו דברי תורה במים ביין בשמן ברבש בחלב וגו'; *Yalḳut Ha-Makiri* on *Isaiah*, p. 203 ff. But nearer our text is *Seder Eliyahu Zuta:* יסתכל אדם בעצמו וידע שדברי תורה נמשלין ביין ובחלב: מה חלב מגדיל את התינוק, כך היין נותן קורת רוח לזקן ומשיב את נפשו ומאיר את עיניו, אף כך דברי תורה נותנין קורת רוח למי שהוא עמל בהן ומשיבין את נפשו ומאירין את עיניו; שנא' תורת ה' תמימה וגו'. (Ed. Friedmann, p. 195).

VIIIa

נמשלה תורה לחלב: מה החלב הזה אינו ראוי אלא לתינוק, כך דברי תורה אינן מתקיימין אלא במי שרואה את עצמו כאילו הוא תינוק וקטן. וכן דוד הוא אומר: אם לא שויתי ודוממתי נפשי כגמול עלי אמו וגו'.

(MS. p. 166b.)

IX

כשנפטר ר' פדת פתח עליו ר' יצחק: היום קשה כיום שבא השמש בצהרים, שנא' והיה ביום ההוא והבאתי השמש בצהרים, ואמר ר' יוחנן וזה יומו של יאשיהו, ר"ל יום שנפטר יאשיהו. כשנפטרו רבה בר רב הונא ורב המנונא העלום לארץ ישראל ליקבר; כשבאו למעברות לעבור כִּיבְּדוּ הארונות זה לזה, זה לא רצה לעבור מפני כבודו של זה וזה לא רצה לעבור מפני כבודו של זה. בא ערבי אחד ואמר מה זאת? אמרו לו: חכמי ישראל מכבדין זה את זה. אמ' לא אעבור עד שאראה מי יעבור תחלה. עבר ארונו של רבא בר רב הונא תחלה. ונפלו שיניו וכרסו של אותו ערבי, מפני שלא היה ראוי לראות נס כזה, לפי שהיה מצרף אותו לדברי הבאי. פתח עליהם אותו תינוק: גזעי ישישים עלו מבבל ועמם ספר מלחמות, קאת וקידר הכפילו לראות שוד ושבר הבא משנער, רוכב ערבות שש ושמח בבא אליו נפש צדיק ונקי. כשנפטר ר' זירא פתח עליו אותו ספדן: ארץ שנער הרה וילדה וארץ צבי גדלה שעשועה; אוי נא לה כי אבדה כלי מלחמתה! כשנפטר ר' אבהו הורידו קיסרי דמעות

Line 5. Ps. CXXXI, 2. MT. כגמל—This midrash is given anonymously; I include it here because of its kinship to the preceding passage. It may have been taken from Hashkem. No parallel is known to me. But cf. the N. T. saying: "Whosoever shall not receive the kingdom of God as a little child, he shall in no wise enter therein." (Mrk. X, 15; cf. Mat. XVIII, 3, Lke. XVIII, 17).

Line 1. Cf. T. B. *Moed Ḳaton*, 25b, the source of this passage, from which it differs, however, in language, the original being in Aramaic, and in numerous details; also, T. Yer., *Aboda Zara*, 42c.

Line 3. Amos VIII, 9; MS. את השמש.

Line 14. T. B., *loc. cit.:* קאת וקפוד הוכפלו.

Line 17. MS. אבי for אוי.

Line 18. T. B., *loc. cit.:* כי נח נפשיה דרבי אבהו אחיתו עמודי דקסרי מיא, דרבי יוסי שפעו מרזבי דציפורי דמא.

כשנפטר ר׳ יוסי שפכו כל מרזיבי צפורי אש. כשנפטרו רבה ור׳ יוסף נשקו מעברות פרת זה לזה. כשנפטר ר׳ יצחק בר אלישיב נחסכו שבעים מחתראתא בטבריה. כשנפטר ר׳ המנונא ירד ברד בן השמים. כשנפטרו אביי ורבא נשקו מעברות חדקל זו לזו. כשנפטר רבינא פתח עליו אותו ספדן: תמרים הניעו ראשן על צדיק כתמר יפרח לשום לילות כימים.

(MS. p. 181a–b.)

X

בשעה שאמר הב״ה אנכי ה׳ אלהיך נתרעשו ההרים ונמוטו הגבעות ובא תבור ממקומו וכרמל מאספמיא, שנא׳ חי אני נאם המלך ה׳ צבאות שמו כי כתבור בהרים וככרמל בים יבא: זה אמר אני נקראתי וזה אמר אני נקראתי. וכששמעו אשר הוצאתיך מארץ מצרים מבית עבדים, עמדו כל אחד ממקומו ואמרו: לא עסק אלא עם מי שהוציא ממצרים, והיתה הארץ חלה ומזדעזעה שנא׳ הרים נזלו מפני ה׳ וגו׳, וכתיב ארץ יראה ושקטה, ונתמלאו בתיהם של ישראל מזיו השכינה וירד הב״ה על הר סיני. אמר הב״ה: השמים שמים לה׳ והארץ נתן לבני אדם. משל למלך שגזר על בני רומי שלא ירדו לסוריא ובני סוריא שלא יעלו לרומי, כך אמר הקב״ה: השמים שמים לה׳ וגו׳; וכשנתן התורה לישראל בטלה הגזירה ואמ׳ עליונים ירדו למטה, שנא׳ וירד ה׳ על הר סיני אל ראש ההר, ותחתונים עלו למעלה, שנא׳ ומשה עלה אל האלהים.

(MS. p. 196a.)

Line 21. T. B., *Ibid.:* .דר׳ אלישיב איחתרו שבעין מחתרתא בנהרדעא. But R. Isaac b. Elyashib is correct; cf. T. Yer., *loc. cit.* כד דמך רבי יצחק בן אלישיב איתעקרון שובעין איסקופין מבעלי בתים דגלילא; אמרין דהוו תליין בזכותיה·

Line 1. Ex. XX, 2.
Line 4. Jer. XLVI, 18.
Line 5. Ex. *ibid.*
Line 8. Jud. V, 5. Ps. LXXVI, 9.
Line 11. Ps. CXV, 16. MS. האדם
Line 14. MS. על ראש הר סיני על ראש. Ex. XIX, 20.
Line 15. Ex. XIX, 3.

Line 16. Cf. *Yalkut Shimeoni*, Ex. XX, 1 (No. 286) for lines 1–9. Fo lines 10 ff., cf. *Yalkut*, Ps. CXV, derived from *Tanhuma*, *Wa'era*, 19 (ed. Buber, Ex., p. 34). Cf., also, Midrash *Wehizhir* I, p. 4.

XI

ד"א אנכי עמד בין ה' וביניכם: כאדם שנוטל כוס קדושין בידו הייתי ושבת מקדשם, דכת' ויברך אלהים את יום השביעי ויקדש אותו; מלמד שקודש השבת להב"ה, כד"א מזמור שיר ליום השבת טוב להודות לה' ולזמר לשמך עליון; והשכינה כחתן מעוטר וכנסת ישראל ככלה והתורה ככתובת שטר ושרפים ומלאכים עומדים כעם אשר בשער בשעת החופה והזקנים כעדים.

(MS. p. 196a.)

XIa

וגרסינן במדרש: השבת דומה לכלה; מה כלה זו באה לחתן נאה ומקושטת ומבושמת, כך השבת באה להן לישראל נאה ומקושטת, שנא' וביום השביעי שבת וינפש; וסמיך ליה: ויתן אל משה ככלתו לדבר אתו; ככלתו כתיב: מה כלה נאה ומקושטת, אף שבת נאה ומקושטת; מה חתן זה לבוש בגדי תפארתו, כך אדם בשבת לבוש בגדי תפארתו: מה חתן זה מעונג כל ימי החופה, כך אדם מעונג בשבת; מה חתן זה יושב בטל ואינו עושה מלאכה, כך האדם בטל בשבת. ולפיכך חכמים וחסידים הראשונים קוראים לשבת כלה. ורמז לדבר מתפלות השבת: תפלת ליל השבת, אתה קדשת, כנגד הקדושין שמקדש בהן החתן לכלה; תפלת שחרית, ישמח משה, כנגד שמחת החתן עם הכלה; תפלת מוסף, שני כבשים ושני עשרונים סולת מנחה בלולה בשמן ונסכו, הרי בשר ולחם ויין ושמן, כנגד סעודת החתן; תפלת מנחה, אתה אחד, כנגד בעילת מצוה שמתייחד החתן עם הכלה; ערבית של מוצאי

Line 1. Dt. V, 5.
Line 3. Gen., III, 3.
Line 5. Ps., XCII, 1–2.
Line 6. MS. ומלאכים ושרפים

Line 3. Ex. XXXI, 17.
Line 4. *Ibid.*, 18.
Line 10–11. See T. B. *Shabbat* 119a, top.

שבת, הבדלה בחונן הדעת, כנגד החתן שחייב לפרש מן הכלה מיד אחר בעילת מצוה שהיא בעילה ראשונה עד מלאת שבעה ימים.

(MS. p. 62a–b.)

XII

אמר הב"ה: כשם שישראל נושאין לי פנים, כך אני נושא להם פנים. והיאך נושאין לו פנים? אדם מישראל עני יש לו ארבעה או חמשה בנים, והן נוטלין ככר אחד ואוכלין ואינן שבעין, שאין דאי ספוקם, ומברכין ואומרין ואכלת ושבעת, אף אני נושא להן פנים ומברכם ומספיק להם המעט; שנא' יצו ה' אתך את הברכה: אתך בקרבך.

(MS. p. 215b.)

XIII

א"ר שמעון בן אלער: מה אם בשבע מצות לא יכלו אומות העולם לעמוד, היאך יעמדו על התורה כלה? משל למלך שמנה לו שני אפטרופין, אחד על אוצר של תבן ואחד על אוצר של כסף וזהב; אותו שנתמנה על התבן נחשד והיה מתכעס על שלא נתמנה על הכסף והזהב: אמרו לו, ריקה על התבן לא היה לך אמנה, על כסף וזהב תהיה לך אמנה? והלא דברים קל וחומר: ומה אם בשבע מצות לא יכלו לעמוד, בתרי"ג מצות על אחת כמה וכמה.

(MS. p. 204a–b.)

Line 22. Though this quotation does not name Midrash Hashkem, but refers to Midrash in general, I place it here, because of its resemblance to the preceding quotation and because, with some of the other anonymous Midrashim given by Alnaqua, it may have come from Midrash Hashkem.

Line 5. Dt. XI, 15.
Line 7. Dt. XXVII, 8.

Line 4. MS. ואחד על אוצר של תבן is repeated.

Line 9. Cf. *Yalkut Shimeoni*, Hab. III, 6 (No. 563), where this is attributed to R. Eleazar b. R. Simeon. The source, however, is *Mekhilta*, *Jethro* V (ed. Weiss, p. 75), where the author is the same as in our text.—Grünhut, p. 2b; from *Reshit Ḥokhma*. (The references to Grünhut in these notes are to his compilation of *Midrash Hashkem* in his *Sepher Ha-Likkutim*, I, p. 2 ff).

XIV

מעשה בתלמיד אחד מתלמידי ר' שמעון בן יוחאי שיצא לחוצה לארץ והעשיר. וכשראו התלמידים שהעשיר בקשו אף הם לצאת לחוצה לארץ. בא ר' שמעון בן יוחאי והוציאן לחוץ למדינה לבקעה אחת והתפלל לפני הב"ה ונתמלאת הבקעה כולה דינרי זהב. אמ' להם: כל מי שמבקש ליטול יטול, אלא הוו ידעין שכל מי שהוא נוטל משלו הוא נוטל ומחלקו שיש לו בעולם הבא, שאין מתן שכרה של תורה אלא לעתיד לבא, שנא' ותשחק ליום אחרון.

ומעשה ברבי שמעון בן חלפתא שהיה ערב שבת ולא היה לו מה לאכול באותה שבת. עם חשכה יצא לו חוץ לעיר להתפלל ונתנו לו אבן טובה מן השמים; נכנס ונתנה לשולחני ופרנס את השבת. אמרה לו אשתו: מנין לך כל זה? אמר לה: כך וכך היה המעשה. אמרה לו: איני טועמת כלום עד שתקבל עליך להחזירה, שמחר באין חביריך ונוטלים חלקם שלם ואתה תטול חסר. קבל עליו להחזירה; למוצאי שבת החזירה ויצאה כמין פסת יד ונטלה אותה. וגדול הנס האחרון מן הראשון; לכך נאמר ותשחק ליום אחרון.

(MS. p. 208 b–209a.)

XV

יספת לגוי ה' יספת לגוי נכבדת וגו': אומות העולם אתה נותן להם מועדים והן אוכלין בהן ושותין ופוחזין ונכנסין לבתי קרקסאות ולבתי טיאטריאות ומכעיסין אותך; אבל ישראל אתה נותן להם ימים טובים והן אוכלין בהן ושותין ונכנסין לבתי כניסיות ולבתי מדרשות ומרבין בתפלות ומרבין במוספין ומרבין בקרית שמע: הרי יספת לגוי ה' יספת לגוי נכבדת.

(MS. p. 254a–b.)

Line 2. MS. ובה עשיר; *Tanḥuma*, and others: ובא עשיר.

Line 9. Prov. XXXI, 25.

Line 19. Cf. *Tanḥuma*, ed. Buber, *Peḳude* 59–61 (Ex., p. 131 f.), and note. Grünhut, p. 11a, quotes this passage from *Reshit Ḥokhma*, in defective form. Our text includes parts missing in parallel sources cited by Buber.

Line 1. Is. XXVI, 15.

Line 3. MS. טרטיאות.

Line 7. Cf. *Pesiḳta Rab.*, Nu. XXIX, 35 (ed. Friedmann, p. 200a); *Yalḳut Shimeoni*, Is. XXVI, 15 (No. 430).

XVI

יספת לגוי ה' וגו': אומות העולם אתה נותן להם בן זכר הוא מושך לו ערלה ומגדל לו בלורית, הגדיל מוליכו לבית ע"א ומכעיסך; אבל ישראל אתה נותן לו בן זכר מל אותו לשמונה ימים, אם הוא בכור פודה אותו לשלשים יום, הגדיל מוליכו לבתי כניסיות ולבתי מדרשות ומברך שמך בכל יום ויום ואומ' ברכו את ה' המבורך.

(MS. p. 278b.)

XVII

ולא תונו איש את עמיתו: יכול אונאת דברים או יכול אונאת ממון? כשהוא אומר אל תונו איש את אחיו, הרי הונאת ממון אמור; מה אני מקיים ולא תונו איש את עמיתו? הרי אונאת דברים. כיצד? אם בעל תשובה הוא לא יאמר לו זכור מה היו מעשיך הראשונים, ואם היה בן גרים לא יאמר לו מה היו מעשי אבותיך, שנא' וגר לא תונה ולא תלחצנו; היו חולאים באים עליו, ייסורין באין עליו, קובר את בניו; לא יאמר לי כדרך שאמרו חביריו לאיוב: הלא יראתך

Line 1. Is. XXVI, 15.
Line 5. MS. הוליכו for הגדיל.
Line 6. Cf. *Pesiḳta Rab.* and *Yalḳut, Ibid.*

Line 7. Cf. Grünhut, p. 3a; from *Reshit Hokhma*: with slight variations. Following this passage, Grünhut has four more passages as belonging to the same quotation from Midrash Hashkem: from קטנים כיצד to אינם באים לחיי העוה"ב (p. 3a–5a). But in reality this material is not from Hashkem, but a resumption of Alnaqua's discussion of the subject: גדולה הצלת בנים לאבות מהצלת אבות לבנים. In the MS. it begins on p. 278a, with what the father does for the child, quoting among others, the Midrash Hashkem. Then it resumes: קטנים כיצד (p. 278b). That explains what seems to Grünhut a defective beginning. (See his note 6 and Buber's comment, Introd., p. 30, top). Incidentally, a good part of it is printed by Pseudo-Aboab (III, 2, 1, 4) without credit either to Hashkem or Alnaqua; he merely says: אמרו (ed. Mantua, p. 35c.)

Line 1. Lev. XXV, 17.
Line 2. Lev. XXV, 14.
Line 6. Ex. XXII, 20.

כסלתך תקותך ותם דרכיך זכר נא מי הוא נקי אבד ואיפה ישרים נכחדו וגו'.

(MS. p. 284b.)

XVIII

הב"ה הזהיר את ישראל למנות שופטים שדנין דין אמת לאמתו ועובדין בצורכי צבור וגודרין להם את הפרצות ויתקנו את המקולקל; שכשדנין דין אמתי יהיה שלום בעולם ויתקיים, שכך שנו חכמים במשנה: על שלשה דברים העולם קיים על הדין על האמת ועל השלום, ושלשתן נאמרו בפסוק אחד, שנא' אמת ומשפט שלום שפטו בשעריכם שכיון שנעשה הדין נעשה האמת, וכיון שנעשה האמת נעשה השלום.

לפיכך צריכין לדעת את מי הם דנין ובפני מי הם דנין והיאך הם דנין. לא ידעו ולא יבינו בחשיכה יתהלכו ימוטו כל מוסדי ארץ: ר"ל גורמין לעולם שיתמוטט; וכן וירעשו מוסדי תבל; ואומר, רועה התרועעה ארץ פור התפוררה ארץ מוט התמוטטה ארץ; ואומר נוע תנוע הארץ. כל כך למה? לפי שאין עושין את המשפט; שנא' וירא ה' וירע בעיניו כי אין משפט. אמר הב"ה לדיינין: אני אמרתי אלהים אתם, ר"ל דיינין, כמו, עד האלהים יבא דבר שניהם, ואתם לא עשיתם כן, אכן כאדם תמותון. נתתי לכם מה שלא נתתי לאומה אחרת, שנא' מגיד דבריו ליעקב חקיו ומשפטיו לישראל, לא עשה כן לכל נוי ומשפטים בל ידעום הללויה.

Line 10. Job IV, 6–7.

Line 11. Cf. Grünhut, p. 16b; from *Sepher Ha-Musar*. The closing part of this section, as quoted by Grünhut, from ראה חמרים to ויראת מאלהיך is not found in our MS. (Cf. XXVI, below, on other *Sepher Ha-Musar* quotations missing in our MS.) The entire passage is derived from *Siphra*, בהר, IV, 1–2 (ed. Weiss, p. 107b)—and is found, also, in *Wehizhir* II, p. 210.

Line 6. Aboth, I, 18.
Line 7. Zech. VIII, 16.
Line 10. Ps. LXXXII, 5; M. T. בחשכה.
Line 12. Is. XXIV, 18; M. T. מוֹסדי ארץ.
Line 12–13. Ibid. 19–20; M. T. רעה התרעעה.
Line 14. Is. LIX, 15.
Line 15. Ps. LXXXII, 6.
Line 16. Ex. XXII, 8.
Line 17. Ps., *Ib.*, 7.
Line 19. Ps., CXLVII, 19–20.

ראה כמה אהוב וחביב לפניו המשפט, ולפי שהדינין מדה טובה יתירה לפני הב"ה מסרן למשה קודם לתרי"ג מצות. והיכן מסרן לו? במרה קודם לדברות, שנא' שם שם לו חוק ומשפט ושם נסהו; ואמר: סדרם לפני בני כשולחן ערוך, שכן כת' ואלה המשפטים אשר תשים לפניהם, כאדם שהוא משים בפי התינוק, שנא' שימה בפיהם. ולמה אהב כל כך המשפטים? לפי שהשלום תלוי בהם; כשיש בין אדם לחבירו דין תחרות ומצה וקטטה ועושים ביניהם דין, השלום נעשה ביניהם.

בוא וראה כמה חביבין הדינין לפני הב"ה ששקלן כנגד עשרת הדברות; כל דבר ודבר מצוה היא בפני עצמה, אבל הדינין נאמר בהם עשר מצות עשה, ועשרת לאוין. ואלו הן מצות עשה: א') ואלה המשפטים אשר תשים לפניהם; ב') בצדק תשפוט עמיתך; ג') שופטים ושוטרים תתן לך בכל שעריך; ד') ושפטו את העם משפט צדק; ה') שמוע בין אחיכם ושפטתם צדק; ו') כי יהיה ריב בין אנשים ונגשו אל המשפט ושפטום; ז') והפילו השופט והכהו לפניו; ח') שום תשים עליך מלך; ט') מקרב אחיך תשים עליך מלך; י') אשר יבחר ה' אלהיך בו. ועשרה לאוין, ואלו הן; א') לא תכירו פנים במשפט; ב') לא תגורו מפני איש; ג') לא תעשו עול במשפט; ד') לא תשא פני דל; ה') לא תהדר פני גדול; ו') לא תטה משפט אביונך; ז') לא תטה משפט גר יתום; ח') לא תטה משפט; ט') לא תכיר פנים; י') ולא תקח שחד. הא למדת שהדינין חביבין לפני הב"ה כעשרת הדברות. שעשרת הדברות כל מצוה ומצוה

Line 22. Ex., XV, 25; M. T. חק.
Line 23. Ex., XXI, 1.
Line 25. Dt., XXXI, 19.
Line 33. Ex., XXI, 1; Lev., XIX, 15.
Line 34. Dt., XVI, 18; Ibid.
Line 35. *Ibid.* I, 16.
Line 35. *Ibid.* I, 16.
Line 36. *Ibid.* XXV, 1.
Line 37. *Ibid.*, 2; Ibid. XVII, 15.
Line 38. *Ibid.*; MS. בך for בו.
Line 39. Dt., I, 17.
Line 40. *Ibid.*; Lev., XIX, 15.
Line 41. Lev. *Ibid.*; Ex., XXIII, 6.
Line 42. Dt., XXIV, 17; Dt., XVI, 19 MS. לא תכירו פנים for לא תטה משפט; but correct in *Reshit Ḥokhma*.

בפני עצמה, ועל מצות הדינין צוה עשרים מצות, עשרת מצות עשה ועשרת מצות לא תעשה.

(MS. p. 288a.)

XIX

חייבין ישראל למנות דיינים שיהיה בהם יראת שמים כדי שלא יהיה בהם משוא פנים ולא מקח שוחד; שכשופטי ישראל ומנהיגיו וגדולי הדור הולכים בישרות ובתמימות ומתרחקים מן הכיעור ומן הדומה לו ומן החטא, כן הויין נמי כל ישראל, שהגוף הולך אחרי הראש, וכן מצינו במלכי ישראל כשהיה המלך ירא חטא הי' כל ישראל מדקדקין על נפשותיהם והיו בהשקט ובבטחה והיו מתגברין על שונאיהם, וכשהמלך היה פושע היו כל ישראל בפורענות.

(MS. p. 291a.)

XX

שפטו דל ויתום עני ורש הצדיקו: לא שתצדיק אותם ברשע חס ושלום, אלא בין לזכות בין לחובה הצדיקו עליהם את הדין: שלא תאמר הואיל וזה עני אטול מזה ואתן לזה, ואמרה תורה לא תשא פני דל, שכל העולם שלי הוא, שנא' לי הכסף ולי הזהב אמר ה' צבאות. א"ר שמואל בר נחמני א"ר יוחנן: כל דיין שנוטל ממון מזה ונותנו לזה שלא כדין הב"ה גובה את נפשו, שנאמר כי ה' יריב ריבם וקבע את קובעיהם נפש. א"ר חמא ב"ר חנינא: אמר הב"ה לא די לרשעים שנוטלין ממון מזה ונותנין לזה שלא כדין אלא שמטריחין אותי להחזיר ממון לבעליו. א"ר נחמיה:

Line 47. Cf. Grünhut, p. 5–7; from Pseudo-Aboab, (III, 9, 1, 1), with additions from *Reshit Ḥokhma*. Grünhut notes the differences, which, no doubt, were due to Aboab's habit of making changes in his quotations. The phrase in line 2 appears variously as ועומדין בדרכי צבור (Aboab) and ועומדין בצרכי צבור (*Wehizhir*). Our MS. has ועומדין בצרכי; but Di Vidas copied ועובדין בצרכי צבור which is probably correct, as in our MS. ם and ב look very much alike.

Line 10. Quoted in mutilated form by Pseudo-Aboab, III, 9, 2, 1. Cf. Grünhut, p. 7b; and his references to *Wehizhir*.

Line 1. Ps. LXXXII, 3.
Line 4. Lev. XIX, 15.
Line 6. Hag. II, 8.
Line 8. Prov. XXII, 23; MS. 'ה missing.

כך הוא מנהגם של דיינין, בעלי הדין עומדין לפניהם ושומעין דבריהם ומוציאין אותם לחוץ ונושאין ונותנין ברבר; גמרו את הדבר היו מכניסין אותן, גדול שבדיינין אומר איש פלוני אתה זכאי, איש פלוני אתה חייב.

(MS. p. 294a–b.)

XXI

לא גלתה ירושלים אלא על שלא העמידו את הדין שנא' היו שריה לראש כאילים לא מצאו מרעה: מה איל זה ראשו של זה בצד זנבו של זה כך דייני ישראל שבאותו הדור זה כובש פניו מפני זה וזה כובש פניו מפני זה. וכך אמר להם הנביא: שריך סוררים וחברי גנבים כלו אוהב שוחד ורודף שלמונים. מהו שלמונים? שהיו אומרים זה לזה: שלם לי ואני אשלם לך; עשה עמי היום ואני אעשה עמך מחר. והנביא צווח: צדק ילין בה ועתה מרצחים; חכיתי להם שיעמידו את השופטים ויקיימו את הדין והם לא עשו כן אלא עשו את שלהם עיקר ואת הדין טפלה. לפי' ה' במשפט יבא עם זקני עמו ושריו, ואתם בערתם הכרם גזילת העני בבתיכם. וכי בביתם היתם הגזילה? אלא מתוך שצווחין היתומים והאלמנות והעניים על גזילותיהן והן מעלימים עיניהם, מעלה הכתוב כאלו הגזילה בבתיהם. ולפי' אמר הב"ה: אין לי חפץ בקרבנותיכם ולא בתפלותיכם ולא בהדשיכם ולא במועדיכם; שנא' לא תוסיפו הביא מנחת שוא קטורת תועבה היא לי וגו'; וכתיב

Line 16. MS.: אש פלוני אתה זכאי אתה.

Line 17. Cf. Grünhut, p. 9a f., and his references to parallel passages in *Wehizhir*; derived from *Reshit Ḥokhma*; slight variations in biblical quotations. For source to line 6ff., cf. T. B. *Sanh.*, 7a, which has ר' יונתן for ר' יוחנן. For line 9 ff., cf. T. B. *ibid.*, 8a. For line 12 ff., cf. T. B. *Ibid.*, 30a; *Siphra*, *Ḳedoshim*, IV, 6 (ed. Weiss, p. 89a).

Line 1. Lament., I, 6.
Line 6. Is., I, 23; M. T. שחד; שלמנים.
Line 9. Is., I, 21; MS.: צדיק for צדק (Cf. *Pesiḳta Rab.*, p. 79.)
Line 12. Is., III, 14; M. T. גזֵלת
Line 16. MS. בקרבנותיהם.
Line 17. MS. בתפלותיהם
Line 18. Is., I, 13: M. T. קטרת.

חדשיכם ומועדיכם שנאה נפשי וגו'; וכת' ובפרשכם כפיכם
אעלים עיני מכם גם כי תרבו תפלה אינני שומע. אמרו ישראל:
מה נעשה וישוב חרון אפך? אמר להם: למדו היטב דרשו משפט
אשרו חמוץ שפטו יתום ריבו אלמנה.
וכל דיין שמטה את הדין
גורם שממון לעולם; שנא' שמעו נא ראשי בית יעקב
וקציני בית ישראל המתעבים משפט ואת כל הישרה
יעקשו בונה ציון בדמים, ראשיה בשוחד ישפוטו
וכהניה במחיר יורו ונביאיה בכסף יקסומו ועל
ה' ישענו לאמר הלוא ה' בקרבנו לא תבא עלינו
רעה. לכך מביא עליהם שלש פורעניות; שנא'
לכן בגללכם ציון שדה תחרש וירושלים עיין תהיה
והר הבית לבמות יער. אוי לו לדור ששופטין
את שופטיהם. אוי לו לדור שצריכין השופטים להשפט כדורו
של אבימלך, שנא' ויהי בימי שפוט השופטים. אוי לו
לדור שאין שומעין לשופטיהם כשהן ישרים, שנא'
וגם אל שופטיהם לא שמעו; ומי היו? רב אמר:
דבורה וברק היו; ר' יהושע בן לוי אומר: שמגר ואהוד
היו; רב הונא אמר: דבורה ויעל היו.

(MS. p. 294a–295a.)

Line 19. Is., I, 14–15.
Line 22. *Ibid.*, 17.
Line 26. MS. בקסם for בכסף.
Line 28. Mic., IX, 11; M. T. בשחד ישפטו. MS. היש for הלוא M. T. תבוא.
Line 30. Mic., III, 12; MS. לעיים for עיין.
Line 31. MS. להשפט missing.
Line 32. Ruth, I, 1; M. T. שפט השפטים.
Line 34. Jud., II, 17; M. T. שפטיהם. MS. הוא for היו

Line 37. Quoted in changed and abridged form by Pseudo-Aboab: III, 9, 3, 2. Cf. Grünhut, p. 7a–9a. Two sentences seem to have been added by Pseudo-Aboab: (a) לפיכך נעשו הם טפלה לגוים בארצם שנא' ויקו למשפט והנה משפח צדקה והנה צעקה before לפיכך ה' במשפט and (b) ובזכות דין של צדק ב"ה עתיד לבנות ציון במשפט תפדה ושביה בצדקה כדכתיב before וכל דיין שמטה. The latter is not in *Reshit Hokhma* as Grünhut has it.

For line 2 ff., cf. Ekha Rab., I, 34: מה אילים הללו בשעת שרב הופכין פניהם אלו תחת אלו, כך היו גדולי ישראל רואין דבר עבירה והופכין פניהם ממנו.

For line 6 ff., cf. *Pesiḳta*, ed. Buber, p. 123a: ורודף שלמונים: שלם לי ואשלם לך. Another version runs: שלם לי בדיני ואשלם לך בדינך (Cf. Buber, *Ibid.*, note 82; *Yalḳut Ha-Makiri* on Isaiah, ed. Spira, p. 17).

For line 22 ff., cf. T. B. *Sabbath*, 139a: תניא רבי יוסי בן אלישע אומר אם

XXII

שנים שבאו לדין לדון קודם שישמעו דבריהם או משישמעו דבריהם ואינן יודעין להיכן הדין נוטה בית דין רשאין לומר להם צאו ועשו פשרה. ולעולם יפה כח הפשרה מכח הדין. אבל מששמעו דבריהם ויודעין להיכן הדין נוטה אין רשאין לומר להם עשו פשרה, שנא' פוטר מים ראשית מדון ולפני התגלע הריב נטוש: קודם שיתגלע לך הדין אתה רשאי לנטשו. וב"ד מכין ועונשין שלא מן התורה כדי לעשות סייג לתורה, שנא' הן למות הן לשרוש הן לענוש נכסין ולאסורין.

(MS. p. 295b.)

XXIII

מצינו במשה רבי' ע"ה שכתוב בו בכל ביתו נאמן הוא פה אל פה וגו': וכיון שכעס נתעלמה ממנו הלכה אע"פ שברחמין נהג עם ישראל, נתן נפשו עליהם, שנא' ואם אין מחני נא; אעפ"כ בשעה שכעס נתעלמה ממנו הלכה. והיכן פירושו של דבר? כשאמר לו הב"ה נקום נקמת בני ישראל וגו' הוציא שנים עשר אלף חלוצי צבא אלף למטה ושלחן למדין והלכו ועשו מלחמה והרגו חמשה מלכי מדין והרגו את בלעם בן בעור ושבו את שבים; וכשבאו אל משה אמר להם החייתם כל נקבה, הן הנה היו לבני ישראל וגו': וכת' ויקצוף משה על פקודי החיל וגו'; אמרו לו: הכלים האלו של כסף ושל זהב מה נעשה בהם? מיד נתעלמה הלכה

ראית דור שצרות רבות באות עליו צא ובדוק בדייני ישראל שכל פורענות שבאה לעולם לא באה אלא בשביל דייני ישראל, וכו'.

For line 30 ff., cf. *Ruth Rabba*, I, 1: אוי לדור ששפטו את שופטיהם ואוי לדור ששופטיו צריכין להשפט, וכו'. The end reads: רב הונא אמר דבורה וברק ויעל היו.

Line 7. Prov. XVII, 14.

Line 10. Ezra, VII, 26: M. T.: לשרשו, לענָש.

Line 11. Grünhut, p. 10a, from *Reshit Ḥokhma*. Cf. his notes on the division of this quotation in *Wehizhir* (I, p. 103 and p. 106). For source cf. T. B. *Sanh.*, 6b.

Line 2. Nu. XII, 8–9.

Line 3. Ex. XXXII, 32.

Line 5. Nu. XXXI, 2: M. T. נקם.

Line 9–10. Nu. *Ibid.* 14–16.

ממנו; והיה אלעזר עומד בצדו, ויאמר אלעזר הכהן אל אנשי הצבא וגו׳. והלא דברים קל וחומר: ומה משה רבי׳ ע״ה אב החכמים ואב הנביאים כשקצף שעה אחת נתעלמה ממנו הלכה, הדיוטין עלִ אחת כמה וכמה.

(MS. p. 307b.)

XXIV

וכן מצינו אהרן ומרים שסיפרו לשון הרע על משה ובאה עליהם הפורענות ,שנא׳ ותדבר מרים ואהרן במשה; הלכה צפורה ושחה לה למרים: אמרה, כששרתה רוח הקודש על אלדד ומידד הכל היו שמחין. אמרה לה מרים לצפורה: אשרי בניהן של אלו ואשרי נשותיהן. אמרה לה צפורה: אשרי בניהן ואוי לנשותיהן. אמרה לה: מיום שנזקק אחיך לרוח הקדש לא הייתי לו לאשה. הלכה מרים ודברה לאהרן ודברו שניהם דברי תלונה על הצדיק. מה כתיב שם, והנה מרים מצורעת כשלג; ואף על אהרן באה הפורענות, שנא׳ ויחר אף ה׳ בם וילך, וכת׳ ויפן אהרן אל מרים והנה מצורעת, מלמד שנפנה מצרעתו. ומה אמרו בשבילו? מרים אמרה, עלי הדבור ולא פירשתי מבעלי; אהרן אמר, עלי הדבור ולא פירשתי מאשתי, וזה זחה דעתו עליו ופירש מאשתו. ומה אלו צדיקים גמורים שלא דברו בפניו נענשו, המתכוין להרוג את חבירו ולביישו ולהלבין פניו ולהזיקו על אחת כמה וכמה.

(MS. p. 323b.)

Line 12. *Ibid.* 21.

Line 15. Cf. Grünhut, p. 7a; taken from *Reshit Ḥokhma*, שער הענוה, II (ed. Const., p. 238b). But this abridged version no doubt was derived from our work, which Di Vidas used freely.

Line 2. Nu. XII, 1.

Line 10. *Ibid.*, 10.

Line 11. *Ibid.*, 9–10.

Line 17. Cf. Grünhut, p. 17b, from Pseudo-Aboab, II, 4, 2, 1, where it appears in abridged form, with some slight changes. For sources , cf. *Siphre*, בהעלותך, 99 (ed. Friedmann, p. 27a) *Tanḥuma* (Yelamdenu), צו, Lev. 13 (ed. Horeb, p. 383), and, above all, *Abot d'R. Natan*, Version I, IX (ed. Schechter, p. 39f.), which has this passage in full though there are in our text some deviations. Line 13: *Aboth* has: עלי היה הדבור, where our text has עלי הדבור. Line 14: אבל הוא מפני שדעתו גסה עליו for וזה זחה דעתו עליו of our text. See, also, *Siphre*, תצא, No. 275 (p. 123a).

XXV

וימתו האנשים מוצאי דבת הארץ רעה במגפה לפני ה׳:

ומה ארץ שאין בה כח לדבר ולא כעס להתבייש תבע הב״ה עלבונה מן המרגלים, המדבר דברים כנגד חבירו ומביישו על אחת כמה וכמה.

ועוד גרסי׳ בפ׳ יש בערכין: א״ר יוחנן משום ר׳ יוסי בן זמרה, מאי דכתיב

מה יתן לך ומה יוסיף לך לשון רמיה, אמ׳ הב״ה ללשון:

כל איבריו של אדם זקופין ואתה מוטל; כל איבריו של אדם מבחוץ ואתה מבפנים; ולא עוד אלא שהקפתי עליך שתי חומות אחת של בשר ואחת של עצם, מה יתן לך ומה יוסיף לך לשון רמיה. א״ר אלעזר משום ר׳ יוסי בן זמרה: מאתים וארבעים ושמונה איברים יש בו באדם, מהן זקופין ומהן רצוצים ולשון זה נתון בין שני לחיים ומכופל כמה כפולות, בוא וראה כמה שריפות שורף; אלו היה זקוף על אחת כמה וכמה. א״ר שמואל בר נחמני: שאלו לנחש ואמרו לו: למה אתה מצוי בין הגדרות? אמר להם, הוא גרם לי שאמרתי לשון הרע על בוראו. ומה היה לשון הרע שאמר?

Line 1. MS. וימותו.

Line 2. MS. מוציאו.

Line 1. Nu. XIV, 37.

Line 5. Cf. *Tosephta*, *'Arakhin*, II, 11 (ed. Zuckermandel, p. 545); T. B. *'Arakhin*, 15a.

Line 6. Cf. T. B. *'Arakhin*, *loc. cit.*; note textual variations.

Line 7. Ps. CXX, 3.

Line 11. The saying of R. Elazar is introduced in the printed *Menorat Ha-Maor* (II, Preface) by וגרסינן במדרש השכם. This attribution is not found in our MS., which quotes from Hashkem the first part of this section: וימתו האנשים, and then proceeds with the quotation from *'Arakhin*. The question is whether Pseudo-Aboab, copying from Alnaqua, ascribed to Hashkem the wrong passage, or whether the copyist of our MS. omitted the reference to Hashkem which is cited twice in this discussion.

Line 11. Cf. Lev. Rabba XVI, 5; Midrash *Wehizhir*, Lev., p. 143: the words ואמת המים נתונה תחתיו or עוברת תחתיו, found respectively in these texts, and in Pseudo-Aboab, are missing in our MS., perhaps omitted by the copyist, who seems to have been particularly careless, or unfortunate, on this page.

Cf., also, Midrash *Shoḥer Tob*, Ps. LII, 6 (ed. Buber, p. 286), Ps. CXX, 2 (p. 503), and Ps. XII, 2 (p. 106).

Line 15. Cf. *Pesiḳta*, פרה, p. 32a; Lev. *Rab.*, XXVI, 2; Nu. *Rab.*, XIX, 2; etc.

Line 17. Cf. *Tanḥuma* (Yelamdenu), בראשית, 8 (ed. Horeb, p. 22).

א"ר יהושע דסכנין בשם ר' לוי: הנחש הראשון היה מסיח בבני אדם; כיון שלא היה אדם וחוה מבקשין לאכול מאותו אילן התחיל לומר לשון הרע על בוראו; אמר להם: מהאילן הזה אכל הבורא וברא את עולמו וצוה אתכם שלא תאכלו ממנו ותבראו אתם עולם אחר. מה עשה הב"ה, קצץ את רגליו וכרת את לשונו שלא יהא מסיח. שאלו לנחש: מה אתה נהנה שאתה נושך? אמר להם: עד שאתם שואלים אותי למה אין אתם שואלים לבעל הלשון; דכתיב אם ישוך הנחש בלוא לחש ואין יתרון לבעל הלשון; מה הוא נהנה שאומר לשון הרע? אמרו לו לנחש: למה אתה נושך באבר אחד וארס שלך מהלך בכל האיברים? אמר להם: עד שאתם שואלין לי למה אין אתם שואלים לבעל (הלשון שהוא כאן והורג ברומי. אמר ר' יוחנן משום ר' יוסי בן זמרה: כל המספר) לשון הרע כאלו כופר בעקר, שנא' אשר אמרו ללשוננו נגביר שפתינו אתנו מי אדון לנו. וא"ר יוחנן משום ר' יוסי בן זמרה: כל המספר לשון הרע נגעים באים עליו, שנא' מלשני בסתר רעהו אותו אצמית. ומתרגמי' לצמיתות לחלוטין; ותנן אין בין מצורע מוסגר למצורע מוחלט אלא פריעה ופרימה.

(MS. p. 324a.)

XXVI

The *Sepher Ha-Musar*, in the eleventh chapter, quotes as from Midrash Hashkem two long passages, which Grünhut has reprinted in paragraphs 7, 9, 10, and 11 of his section on *Leviticus* (p. 15b–17b, text). But these quotations are not found in the corresponding chapter of our MS., from which this particular part of the *Sepher Ha-Musar* deviates somewhat. Nor are they found in the reprint of this chapter in *Reshit Hokhma*. Did the

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Line 26. Eccl. X, 11; M. T. ישך; MS. בלי לחש.

Line 28. MS. שאתה.

Line 29. The line in brackets is missing in MS.; I have supplied it from the sources. Lev. *Rab.* for שהוא כאן והורג ברומי has: דיתיב ברומי וקטיל בסוריא בסוריא וקטיל ברומי.

Line 30. Cf. T. B. *Arak.*, 15b; Ps. XII, 5: M. T. ללשננו.

Line 33. Ps. CI, 5.

Line 35. Cf. T. B. *Arak.*, ib.—Bacher, *D. Agada d. Pal. Amor.*, I, p. 111, note 1.

author of *Sepher Ha-Musar* supply extracts from his own copy of Midrash Hashkem? Or did he own a better copy of the manuscript of Alnaqua's work? Or did he insert passages from other sources and carelessly attribute them to Hashkem? One cannot be sure, especially in view of his frequent changes of Alnaqua's text. The two passages are as follows:

XXVIa

הזהיר הקב״ה את ישראל על האונאה, שכל מי שמוכר חפץ לחבירו אסור לו שיונה, לא המוכר ללוקח, ולא לוקח למוכר; שכך אמרו רז״ל: וכי תמכרו ממכר לעמיתך, אין לי אלא שנתאנה לוקח, נתאנה מוכר מנין? ת״ל או קנה מיד עמיתך. ומנין כשאתה מוכר שלא תמכור אלא לעמיתך? ת״ל וכי תמכרו ממכר לעמיתך. ומנין כשאתה קונה לא תקנה אלא מיד עמיתך? ת״ל או קנה מיד עמיתך. אין לי אלא קרקעות שדבר בהם הכתוב, ומנין לרבות כל דבר המטלטל? ת״ל מיד עמיתך. ומנין שאין אונאה בקרקעות? ת״ל או קנה מיד עמיתך, כלומ׳ המטלטלין יש להן הונאה והקרקעות אין להם הונאה. ומנין שאין אונאה לעבדים? ת״ל והתנחלתם אתם לבניכם אחריכם לרשת אחזה: מה אחוזה אין לה אונאה אף עבד אין לו אונאה. ומנין שאין אונאה להקדשות? ת״ל אל תונו איש אחיו: אחיו לא הקדש. ומנין שאין אונאה לשטרות? ת״ל ממכר: מה זה מיוחד שגופו מכור וגופו לקוח, יצאו שטרות שאין גופן מכר ואין גופן ממון. המוכר שטרותיו לבשם יש לו אונאה.

אל תונו איש את אחיו, זו אונאת ממון. יכול זו אונאת דברים? כשהוא אומר ולא תונו איש את עמיתו, הרי אונאת דברים אמור, הא מה אני מקיים אל תונו איש את אחיו? הרי אונאת ממון. וכמה היא ההונאה? ד׳ כסף מכ״ד לסלע דהיינו שתות למקח. ועד אימתי מותר להחזיר? עד כדי שיראה לתגר או לקרוביו או לבקי. הורה ר׳ טרפון בלוד: ההונאה שמונת כסף לסלע דהיינו שליש למקח; ושמחו תגרי לוד. חזר רבי טרפון

Line 3. Lev. XXV, 14.
Line 12. *Ibid.* 46.
Line 15. *Ibid.* 14.
Line 20. *Ibid.* 17.

ואמר: מותר להחזיר כל היום. אמרו: יניח לנו רבי טרפון
את מקומינו; וחזרו לדברי חכמים. אחד הלוקח ואחד
המוכר יש להם אונאה, וכשם שאונאה להדיוט כך אונאה
לתגר. ומי שהוטל עליו ידו על העליונה שהוא אומר לו
תן לי אותן מעות מה שאוניתני.

אל תונו איש את
אחיו: איש אין לי אלא איש את איש, איש את אשה
ואשה את איש או את אשה מנין? ת"ל איש את אחיו
מ"מ. ר' יהודה אומר: תגר להדיוט יש לו אונאה, הדיוט
לתגר אין לו אונאה. ולא תונו איש את עמיתו זו אונאת
דברים. או יכול זו אונאת ממון? כשהוא אומר: אל תונו
איש את אחיו, הרי אונאת ממון אמור, מה אני מקיים
ולא תונו איש את עמיתו? הרי זה אונאת דברים.
כיצד? אם היה בעל תשובה לא יאמר לו: זכור מה היו
מעשיך הראשונים; ואם היה בן גרים, לא יאמר לו: זכור
מעשה אבותיך, שנא' וגר לא תונה ולא תלחצנו, היו חלאים
באין עליו ויסורין באין עליו או שהיה קובר את בניו,
לא יאמר לו כדרך שאמרו חביריו לאיוב: הלא יראתך כסלתך
תקותך ותום דרכיך זכור נא מי הוא נקי אבד ואיפה
ישרים נכחדו, וכן ראה חמרים מבקשים יין או תבואה
לא יאמר להם לך אצל פלוני והוא לא מכר חטא מימיו.
רבי יהודה אומר: אף לא יתלה את עיניו על המקח
ויאמר לו בכמה חפץ זה, והוא אינו רוצה ליקחם.
ושמא תאמר עצה טובה אני מוסר לך? הרי הדבר
מסור ללב, לכך נאמר ויראת מאלהיך.

(*Sepher Ha-Musar*, ed. Cracow, p. 102b f.)

XXVIb

אל תקח מאתו נשך ותרבית: איזו היא נשך ואיזו
היא תרבית? נשך המלוה סלע בחמשה דינרין סאתים חטים
בשלש, מפני שהוא נשך; ותרבית זה המרבה בפירות. כיצד?
לקח ממנו חטים בדינר זהב לכור וכן השער עמדו חטים
בשלשים דינרין; א"ל תן לי חטים ואני מוכרן ולוקח

Line 34. From ולא תונו to line 44 וישרים נכחדו is identical with our passage XVII.

Line 50. Cf. *Wehizhir*, II, p. 207 ff.

Line 1. Lev. XXV, 36.

בהם יין; א״ל הרי חטין עשויין עלי בשלשים דינרין והרי
לך אצלי יין, ויין אין לו, אסור; אבל יש לו חייב ליתן לו יין.
וחי אחיך עמך: זו דרש בן פטורי: שנים שהיו מהלכין
במדבר וביד אחד מהם קיתון של מים, אם שותהו אחד
מגיע הוא לישוב, ואם שותין אותו שנים מתים. דרש
בן פטורי ישתו שניהם וימותו, שנאמר וחי אחיך עמך.
א״ל ר׳ עקיבה: וחי אחיך עמך, חייך קודמין לחייו. את
כספך ולא כסף אחרים, אוכלך ולא אוכל אחרים;
את כספך ולא כסף מעשר, אוכלך ולא אוכל בהמה.
ובמרבית לא תתן אוכלך אני ה׳: מכאן אמרו: כל
המקבל עליו עול רבית מקבל עליו עול מלכות
שמים וכל הפורק ממנו עול רבית, פורק ממנו עול
מלכות שמים. אני ה׳ אלהיכם אשר הוצאתי אתכם
מארץ מצרים על תנאי שתקבלו עליכם מצות רבית,
שכל המודה במצות רבית מודה ביציאת מצרים וכל הכופר
במצות רבית כופר ביציאת מצרים.

(*Sepher Ha-Musar*, p. 104a.)

XXVII

There is another passage which *Sepher Ha-Musar* quotes from Hashkem, reprinted in part by Grünhut (p. 15b). It occurs in chapter 20 (p. 133a): וגרסינן במדרש השכם: א״ר שמואל בר נחמני גדולה היא דרך ארץ שקדמה לתורה ששה ועשרים דורות, שנא׳ לשמור את דרך עץ החיים. דרך זו דרך ארץ, החיים זו תורה. אמרו רז״ל: כל מי שהוא זהיר בדרך ארץ זוכה לראות בנחמה, שנא׳ ושם דרך אראנו בישע אלהים.

Alnaqua, however, does not name the Midrash Hashkem as the source of this passage. He quotes it twice: first, in the chapter on *Derekh Ereṣ* (MS. p. 332b), and, then, in the collection of Talmudic sayings beginning with the word גדול, which is appended to that chapter (MS. p. 361b). In the first instance it reads as follows: וגרסי׳ באבות דר׳ נתן: ר׳ אליעזר אומר יהי לך שתי ידות אחת בתורה ואחת בדרך ארץ שכל מי שאינו לא במקרא ולא בדרך ארץ אין זה מן היישוב. א״ר שמואל בר׳ נחמני: עשרים וששה דורות קדמה דרך ארץ את התורה, הה״ד לשמור את דרך עץ החיים. דרך זו דרך ארץ, החיים זו התורה; וכל מי שהוא זהיר בדרך ארץ זוכה לראות בנחמה, שנא׳ ושם דרך אראנו בישע אלהים.

Line 8. *Ibid.*
Line 18. *Ibid.* 38.
Line 22. Cf. *Wehizhir*, II, p. 223 f.

In the second, it runs thus: גדולה דרך ארץ שהיא שקולה כנגד כל התורה; דתניא ר' אליעזר אומר יהי לך שתי ידות אחת בתורה ואחת בדרך ארץ, שכל מי שאינו לא במקרא ולא במשנה ולא בדרך ארץ אין זה מן היישוב. א"ר שמואל בר נהמני: עשרים וששה דורות קדמה דרך ארץ את התורה ה"ה לשמרו את דרך עץ החיים: דרך זו דרך ארץ, חיים זו התורה דכת' עץ חיים היא למחזיקים בה. ושנו חכמים אם אין דרך ארץ אין תורה, אם אין תורה אין דרך ארץ. גדולה דרך ארץ שכל מי שיש בו דרך ארץ זוכה ורואה בנחמה; שנא' ושם דרך אראנו בישע אלהים.

It would appear therefore that this entire passage was quoted by Alnaqua from *Aboth d'Rabbi Nathan*, though in the published versions of the latter only the first part—the saying of R. Eliezer—is found (cf. ed. Schechter, נוסחא ב', p. 87).

XXVIII

Many other passages in Alnaqua's work were, no doubt, derived from Midrash Hashkem, without direct mention of the source. For instance, in the chapter on *Mishpatim*, Midrash *Wehizhir* (I, p. 75 ff.) has some twenty passages, which also are found in Alnaqua (MS. p. 15a and p. 287–295), and both of them probably borrowed from Hashkem, as is the case with other passages in that chapter which they have in common. Still other passages in *Wehizhir*, as e. g. the story of a certain devout man (II, p. 259), likewise are found in Alnaqua (MS. p. 21a), and many of them are incorporated in Pseudo-Aboab's work. But as these quotations are not definitely attributed to Midrash Hashkem in our manuscript, I have not reproduced them here, and am leaving their consideration for a future occasion.

SPRACHLICHE BEMERKUNGEN ZUM TEXTE DES SEPHER MA‘ASIJOTH, ED. GASTER

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DR. M. GASTER hat der Wissenschaft einen grossen Dienst geleistet, indem er unter dem Titel "*The Exempla of the Rabbis*"[1] ein ס' מעשיות herausgegeben hat, das wohl das aelteste und vollstaendigste Buch dieser Art ist. Die folkloristische Seite des neuen Textes haben Dr. Gaster selbst und Dr. B. Heller[2] aufs beste bearbeitet, nicht so die sprachliche Seite. In der Anzeige, die ich ueber Gaster's Buch geschrieben habe,[3] habe ich es bereits beklagt, dass sich der verdiente Herausgeber die philologische Bearbeitung dieser Texte entgehen liess. Zwar macht Gaster wiederholt darauf aufmerksam, dass der neue Text vielfach andre Lesarten biete, als die Paralleltexte in Talmud und Midrasch, an die man gewohnt ist, aber im Einzelnen ist er diesen Abweichungen nicht nachgegangen. Er hebt hervor (p. 41), dass schwierige Worte durch marginale Glossen erklaert werden, "and they will throw a great light upon the primary sources of the Aruch and the oldest Talmudic glossaries." Diese Bemerkung ist nur *formell* richtig, denn in der Tat werden die alten Texte in dieser Art glossiert, aber wenn Gaster geneigt ist, unsre Glossen als "Quelle" des ‘Aruch anzusehen, so haengt das mit seiner Ansicht zusammen, dass die von ihm herausgegebnen Texte sehr alt sind und sogar dem Talmud und Midrasch als Quelle gedient haben. Aber diese Annahme haelt vor der Kritik nicht stand, und es koennen umgekehrt *unsere* Glossen aus bereits vorhandenen Glossarien geflossen sein. An einer andern Stelle (p. 49), hebt er hervor, dass in diesen Texten die Partikel של mit dem darauffolgenden Worte verbunden erscheint,[4] aber ueber diese allgemeinen Anmerkungen kommt er nicht hinaus.

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[1] Der vollstaendige Titel lautet: *The Exempla of the Rabbis*, being a collection of Exempla, Apologues, and Tales culled from Hebrew Manuscripts and rare Hebrew Books. London-Leipzig, The Asia Publishing Co., 1924. 8.

[2] Quelques problèms relatifs aux légendes Juives à propos des *Exempla of the Rabbis* publiés par M. Gaster—*Revue des Études Juives*, LXXXI, 1–26.

[3] *Zeitschrift der Deutschen Morgenl. Gesellschaft*, LXXIX (1925), 341 ff.

Meiner Ansicht nach waere es noetig gewesen, unsern neuen Text durchwegs mit den alten Texten zu vergleichen. Das erfordert freilich eine schwere minutioese Arbeit, und ist auch nicht immer lohnend, weil diese Texte allzusehr fluctuieren, und wir wissen sehr wohl, dass selbst in den gangbaren Midraschim schon zwei Parallelstellen gewoehnlich nicht denselben Wortlaut haben, aber wenigstens die markanten und significanten Abweichungen im sprachlichen Ausdruck haetten verdient, verzeichnet zu werden, so z. B. wenn ganz neue Ausdruecke gebraucht werden, oder wenn statt des hebraeischen Idioms ein kernhaftes Aramaeisch auftritt[5] oder umgekehrt. Kurz, es fehlt dem *Sepher Ma'asijoth*, ed. Gaster, die philologische Kleinarbeit.

Was Gaster in dieser Hinsicht getan hat, besteht nur darin, dass er zu manchen Worten ein Frage- oder Ausrufungszeichen (?!) gesetzt hat, aber nicht so sehr zu merkwuerdigen Wortformen oder Wortwendungen, als vielmehr zu fehlerhaften oder nur vermeintlich fehlerhaften Sprachformen, wodurch aber die philologische Aufgabe bei weitem nicht erschoepft ist. An einer Anzahl von Stellen, wo Gaster einen Fehler vermutet, ist der Text ganz in Ordnung. Ich will das an ein paar Beispielen dartun.[6]

53, 24 מחכרות (?). Dieses Fragezeichen ist unberechtigt. Auf das Wort חכר kann es sich nicht beziehen, da dessen Sinn genuegend bekannt ist;[7] auch die Beziehung ist klar, da in dem Stuecke von קרקע = Feld die Rede ist; ist ihm aber der Plural auffallend, so hat er vergessen, dass eine Zeile vorher auf Singular בהמה = Vieh, ebenfalls משכרות im Plural gesagt wird, und zwar mit Recht, denn es ist dem Sinne nach von mehreren Stueck Vieh und von mehreren Stueck Feldern die Rede. Bleibt nur uebrig, das G. etwa auffaellig findet, dass קרקע feminin construiert wird, was aber gleichfalls erklaerlich ist, da dem Schreiber die Pluralform קרקעות vorschwebte, und ueberdies wird im Neuhebraeischen auch שדה feminin gebraucht, wozu קרקע nur Synonym ist.

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[4] Vgl. auch Heller *l. c.* p. 19.

[5] In einem Falle spricht auch Heller (l.c. p. 9) von "un araméen savoureux."

[6] Ich zietiere den Text des ס' מעשיות, der bei Gaster eine besondere Pagination hat—verschieden von der des englischen Textes—nicht nach Nummern, sondern nach Seitenzahl und setze die Zahl der Zeile dazu. Ausserdem gebrauche ich folgende Abbreviaturen: BJ = Ben Jehuda, *Millon*; Bm. = Brockelmann, *Lexicon Syriacum;* G. = Gaster ס' מעשיות, hebr. Text; J. = Jastrow, *Dictionary*; K. = Kohut, *Aruch completum*; L. = Levy, *Woerterbuch*; P Sm. = Payne Smith, *Thesaurus Syriacus.*

[7] Siehe an letzter Stelle *Krauss, Talm. Arch.*, II, 111.

57, 2 ומצאו עזק (!) תחת הזית. Das Wort עזק kommt in der Mischna mehrmals vor (s. Lexica); ueberdies unser Satz fast vollstaendig in einer Barajtha b. Menachoth 85b (s. Tosafoth *ad l.*) und ist auch spachlich genuegend erklaert.[8]

70, 23 ומשקה אותם ומלוום (!). Der Text ist ganz in Ordnung; der Hausherr gab den Gaesten zu essen und zu trinken und begleitete sie auf ihren Weg. Vgl. in demselben Texte Zeile 28, מי מלויני, wer begleitet nich?

110, 2 נפק בת (!) בדברא בליליא. Auch hier ist der Text ganz in Ordnung. Vgl. בת = uebernachten, Dan, VI, 19. Auch in den rabbinischen Texten oft verhanden (s. Lexica).

129, 12 טפת (!) דעתו עליו. Hier ist G's Frage einigermassen berechtigt. Doch vgl. in demselben Texte Zeile 30, טפת רוחי עלי, wo er kein Zeichen setzt. Das Verb טפה oder טפא (vielleicht טוף) kommt in den Lexicis in diesem Sinne nicht vor, noch weniger die Phrase טפת רוח (oder על+רוח), aber טפי 'more' (Jastrow, p. 546) ist ein im Talmud sehr bekanntes Wort, und dieses stammt jedenfalls von טפא, Jastrow: to join, add, increase. Also die ganze Phrase: sein Sinn ueberflutete ihn, d.i. er wurde stolz. Vgl. גס דעתיה, Berach. 47a, Jastrow, p. 224: he has become proud.[9]

132, 4 כונדו (!) לרחיים. Das Zeichen haette schon zu 131, 24 gesetzt werden sollen, weil dort derselbe Satz steht. Nun ist allerdings ueberall כדן ueberliefert (s. die Lexica; so auch Syrisch, s. P. Sm. und Bm.) und es ist leicht zu sagen, dass unser Text einen Fenler enthaelt; aber andrerseits ist eine Metathesis in כנד nicht ausgeschlossen, vgl. die sinn- und vielleicht auch wurzelverwandte Wortsippe ענד und עדן (in מעדנות, Hiob XXXVIII, 31).[10]

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[8] *Talm. Arch.*, II, 589. J. 1062: to break clods and level the ground; to break ground; to till.

[9] Es gibt viele Zusammensetzungen von Verben mit dem Nomen דעת; zu vergleichen ist etwa דעתו רחבה, b. Bb. 145b.

167, 31 והתחיל מסיק (!) תחתיו אש. Hier sehe ich absolut keinen Grund, das Wort הסיק = anzuenden—anzumerken. Der Satz ist ganz in Ordnung. Oder להסיק erwartet?

Ein besondres Augenmerk wuerden verdienen die in den aramaeischen Partien unsres Ma'asijoth-Buches gebrauchten ungewoehnlichen Verbalformen, so z. B. die Kuerzung des 3. Radikals bei dem Verb בקש (76, 2 בקי),[11] טמר (76, 13 וטמינהו), עקר (עקא, 76, 29, und sonst),[12] also in der Art wie dieselbe Kuerzung uns bei den Verben אמר, אזל, נשב, סגר und bei קום, תוב bekannt ist,[13] doch wuerden uns diese Beobachtungen allzusehr in die Details fuehren.

Hingegen will ich hier in alphabetischer Reihenfolge eine Anzahl Worte und syntaktische Eigentuemlichkeiten verzeichnen, die mir *neu* und belehrend zu sein scheinen; auch da gebe ich nur Einzelnes, was diese Texte charakterisiert; in Wirklichkeit ist die philologische Arbeit an diesen Texten auch damit nicht erschoepft, und sie verdienen noch eingehender behandelt zu werden.

אהב. 74, 13, תינוק ותינוקת... ונאהבו זה את זה, ein Junge und ein Maedchen, die in derselben Stadt wohnten, bekamen sich lieb. Die Parallelstellen, die ja bei G. stets verzeichnet sind, haben dieses נאהב nicht. B. J. p. 79, verzeichnet zwar אהב in Nifal, wie auch schon in der Bibel, aber nicht den Sinn, den das Verb נאהב an unsrer Stelle hat.

אָנִיָה, so vokalisert im Texte 41, 26, Name eines Amoraeers, den der Verfasser dieses Textes offenbar gleich hielt mit אביי = Abaje (doch wird ר' אויה gesagt, waehrend Abaje nie den Titel "Rabbi" bekommt.) Unser Verfasser nimmt ו' fuer ב', vgl. im Jerushalmi אבא=ווה.[14] In Wirklichkeit aber ist hier nicht Abaje gemeint, sondern אביה=אוייא; vgl. die Parallelstelle b. Sanh. 14a (auch in B J) אויא, und vgl. auch den bekannten Namen ר' הייא בריה דרי אוייא (L I, 38).

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[10] Die Metathese ענד = עדן wird von den meisten Sprachforschern angenommen (s. Gesenius, *Woerterbuch*, 16. Auflage, wo unter anderm auf L. III, 182 hingewiesen wird; dasselbe lehrt uebrigens auch die alte rabbinische Tradition), aber A. B. Ehrlich, *Randglossen zur hebr. Bibel*, VI, zu Prov. VI, 21, leugnet, dass es im Hebraeischen und ueberhaupt in einer semitischen Sprache die Wurzel ענד gebe, und demgemaess erklaert er sowohl Prov. VI, 21, als auch Hiob XXXI, 36, anders.

[11] Doch kann בקי vielleicht von בקא stammen: untersuchen, (s. Lexica).

[12] In b. Gittin 68b (s. auch *En Jacob* = EJ) steht dafuer: שקל לבינתא.

[13] Vgl. M. L. Margolis, *Lehrbuch der aram. Sprache des babyl. Talmuds*, Muenchen 1910, § 4 (p. 10).

אחר, in dem Satze אחר ליה בידיה, 181, 11. G. verweist auf Midrasch-ha-Gadol Jethro; in Wirklichkeit ist es aber eine Stelle, die auch in b. Sanh. 107b, Sota 47a vorkommt, sofern die Censur nicht eingegriffen hat.[15] Es handelt sich um den bekannten Vorfall zwischen Josua ben Peraḥja und Jesus.[16] Weil der Editor all das nicht beachtet hat, hat er ein Wort hier stehen lassen, das keinen Sinn gibt; lies: אחוי ליה בידיה, er winkte ihm mit der Hand.

איארא, in dem Satze נפק איארא, 16, 15, wo die Glosse פי' יצא אל היער, d.i. der Daemon bar Temaljon ist hinausgegangen. In b Me'ila 17b steht der Ausdruck nicht. Der Glossator hat offenbar יארא mit 'Alif = יערא mit 'Ajin genommen, was ja sprachlich in diesen Texten moeglich ist. Auch kommt יערא tatsaechlich im Aramaeischen vor; s. Trg. Exod. II, 3., und vgl. D. 185. Dennoch scheint mir diese Erklaerung verfehlt. Warum soll der Daemon grade in den Wald hinausgegangen sein? Und wozu diese Angabe ueberhaupt? Das *איירא welches J. 47 aus j.MK I, 80b verzeichnet: channel, duct—passt ebenfalls nicht. Hingegen gibt es ein אוארא, Aruch אארא, in dem Satze א' דליבני b. Beṣa 31b, 36a, 'Erub. 34b, welches aus dem Persischen stammt; das Wort bedeutet: The openings between a pile of loose bricks, (J. 21), also das Leere, das Weite. Unser Text schreibt statt אארא des Aruch mit Erweichung des א: איארא mit *Jod*, was sprachlich ohne Weiteres zulaessig ist. Das passt vorzueglich in den Sinn der Stelle: Der Daemon ging hinaus ins Leere, ins Freie.

איסרא 77, 8 איסרא דימא, wo am Margo vermerkt wird: נ'א שרא רבא Die Stelle stammt aus b. Gittin 68b, wo unsre Ausgaben (auch

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[14] Der Kuerze halber verweise ich bloss auf I. Goldberger רשימת התנאים, Budapest 5683 (Sonderabdruck aus הצופה), p. 5.

[15] Vgl. die bekannten חסרונות הש"ס und Codex Muenchen (photographisch, ed. Strack).

[16] Siehe Krauss, *Leben Jesu nach juedischen Quellen*, S. 185.

L K J) לשרא דימא haben, vgl. auch j. Sanh. VII, 25d (citiert bei L. IV, 607) שרה דימא = Fuerst des Meeres. Nun mag an andern Stellen "Fuerst des Meeres" richtig sein; an unsrer Stelle wird entschieden ein andres Wort erwartet. Warum sollte auch das einfache Wort שרא = שר = Fuerst in das fremde איסרא[16a] verwandelt worden sein? Nach der bekannten philologischen Regel ist eben dieses Fremde und Schwierige jeder vereinfachten Lesart vorzuziehen. Nun haben wir איסרא auch an andern Stellen: b. Pesaḥim 111b, Joma 77a, s. K I, 202, J 57. Es handelt sich offenbar um den persischen Namen eines Genius, eines Engels, wie Rashi und Andere, aber auch K *l. c.* und J richtig gesehen haben. Die Ausgaben, die das nicht anerkennen wollen, sind flugs bereit, eine andre Lesart zu setzen, und so hat sich in unsern Texten das Wort איסרא nirgends unangefochten erhalten koennen. Dank unserm Ma'asijoth-Texte hat sich nun die Spur davon auch in b. Gittin 68b erhalten, und es passt dahin vorzueglich, da auch Ashmedai, von dessen Geschichte die ganze Stelle handelt, ein persischer Daemon ist. Die Stelle besagt nun, der *Shamir* (s. Lexica), den man beschaffen wollte, befindet sich nicht in der Gewalt des Ashmedai, sondern in der des Genius des Meeres, d. i. mit andren Worten, der Shamir ist ein Seewurm, ein Zoon des Meeres, was auch richtig ist. In *The Aramaic Incantation Texts*, ed. Montgomery (Philadelphia, 1913), kommt unser Wort mehrmals vor, u.z. im Plural, z. B. איסרי דבי כנישתא; wir kennen ferner איסרי דבי קברי (s. Krauss, *Synagogale Altertuemer*, p. 189), und es ist hoechst wahrscheinlich, dass auch hier irgend welche Daemonen gemeint sind. אמיקנטרון s. הדרקתלים.

עד אן steht in unserm Texte oft fuer עדיין z. B. 125, 3, was nirgends verzeichnet ist.

אנגדכטוס 62, 20 ein uns fremd anmutendes Wort, es ist aber nichts andres als אנגרבטים = ἀνγαρευτής, s. *Lehnwoerter*, II, 63.

אנן. In dem Satze נפשו של אדם אוננת ממנו, 34, 16 = die Seele des Menschen ekelt sich davon. In der Parallelstelle b. Sanh. 39a (s. auch iu L J) und Jalkut I, No. 23, entspricht מאיסא. Die obige Anwendung von אנן findet sich meines Wissens nirgends in den altrabbinischen Schriften, wohl aber *woertlich* in Maimuni, *Hilkhoth Mekhira* XV, 13 (vgl. B J 319). Soll daraus nicht auf das Alter unsres Textes, bzw. der Handschrift desselben, geschlossen werden?

[16a] In seiner schwankenden Art hat sich leider K. auch hier verleiten lassen, איסדא (mit Daleth) zu lesen, was nirgends ueberliefert ist, und das nur, um eine recht zweifelhafte Etymologie zu geben.

אפיא. In der Geschichte der Bekehrung des Koenigs Manasse, G. 168, 4, und zwar in der Phrase הרי כל אפיא שוין (hebraeisch entspricht כל הפנים שוות) = alle Gesichter sind gleich, an unsrer Stelle so gemeint, dass einerlei, ob der oder ein andrer Gott. Das drueckt der Glossator mit dem Worte aus פ׳ שם אלהות, das ist der Name einer Gottheit. Man muss zugeben, dass die Erklaerung, wenn ueberhaupt noetig, sehr daneben greift. Nun kommt aber dieselbe Phrase in j. Sanh. X, 2, 28c vor, wo Aruch ungeschickt: פ״ אפיא דמנשה, ja im Aruch auch die Worte: מעשה של כל אלהות שוין, Worte durch welche auch Buber zu Pesiḳta R K 162, b, irregeleitet wurde. Erst K I, 214 hat den richtigen Wortlaut in Aruch festgestellt. Sieht man aber nicht, dass die Glosse aus einem falschen Aruch-Texte geflossen ist? Hier haetten wir wieder einen Fingerzeig fuer das Alter des Gaster'schen MS., und schon einleitend haben wir behauptet, dass Aruch die Quelle der Glossen in MS. G. bildet, und nicht umgekehrt.

אקמומות. So steht in der bekannten Erzaehlung ueber Geboha ben Pesisa (s. weiter unten) in G. No. L (p. 31, 5) ומפיקנא לאקמומיתך מינך (besser als מות–). Diese Lesart ist sehr wertvoll, denn sie bestaetigt die Version in b. Sanh. 91a, MS. M, nur muss auch in G. ע mit Ayin gelesen werden. Die Lesarten in Babli schwanken auch sehr (s. Lexica), umsomehr ist Codex G. zu begruessen. In den andern Parallelstellen stehen ganz andre Ausdruecke; *Megillath Ta'anith* c. III p. 8, ed. Neubauer גבהותך, in Gen. R., c. 61, gegen Ende: פדחתך Variante גביעתך. Zur Bildung des Wortes עקמומיתא, vgl. גבשושיתא, bei L. I, 298.

אריא דבילאי. G. No. VII (p. 10, 7), in der bekannten Erzaehlung aus b. Hullin 59b, wo aber אריה דבי עילאי steht. Ich glaube, dass בילאי besser ist, denn es sieht mehr als der Name eines Ortes oder eines Volkes aus, waehrend בי עלאי = Haus der Oberen —schon eine unbefugte Erklaerung darstellt.[17]

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[17] Nebenbei will ich bemerken, dass im Verfolge dieses Textes שורא דרומי = Mauer von Rom in G. fehlt. מעבראתא דרומי vorher wird erklaert, Schwangere

ארצית. In dem Satze: er (der Engel Dumah) verfolgt uns in einen Ort der Finsternis, namens 'א (G. 14, 16). In der Parallelstelle: Jelamdenu bei Aruch *s.v.* צלמות fehlt das Wort. Es fehlt in dieser Bedeutung auch bei B J 403 (dort hat ארצית einen ganz andern Sinn: 1) terrestre, 2) Termite), und es scheint mir, das dass Wort eigens gebildet wurde, um eine Stelle in der Hoelle zu bezeichnen. Sollte nicht Dante's Purgatorium zum Vorbild gedient haben? Dann haetten wir wieder einen Wink fuer die Entstehungszeit.

בדה. Dieses in der Bibel und in den rabbinischen Werken vorkommende Wort punktiert unser Text einmal wie folgt: נודרין בתורה ומַבְדִין, 71, 2, also in Hif'il;[18] dasselbe Wort verzeichnen die Lexicographen (L. I, 192; K. II, 14; J. 139) im Pi'el, nur B J, 462, hat auch Hif'il); in Wirklichkeit ist wohl Hithpa'el anzunehmen, also מְבַדִּין zu vocalisieren; vgl. den bakannten Satz[19] שמא תתבדה ותאחז, b. Berakh 4a, Derek E. Z. c. 3, Jalkut I, 186, to be induced to tell a falsehood (J 139).

בטל. An andrer Stelle[20] habe ich dargelegt, dass in der bekannten Redensart עשרה בטלנים keineswegs "Muessiggaenger" gemeint seien, sondern Maenner, die frei von ihren Geschaeften sind und sich demzufolge der Synagoge und ueberhaupt der Gemeinde widmen koennen. Solche Erkenntnis, wie einfach und notwendig sie ist, bricht sich schwer Bahn, und so muss sie immer wieder wiederholt werden und womoeglich durch neue beweise gestuetzt werden. So finden wir in unserm Texte, ed. G., 122, 14, in der Erzaehlung ueber R. Elieser ben Hyrkanos, der Process gegen ihn solle vorgehen im Heiligtum (Synagoge) am Sabbat, wenn alle unbeschaeftigten Leute (בטלנים) darin versammelt sind (מכונסין). Der Sinn des Wortes ist hier, so glaube ich, ganz deutlich. Es ist auch hier just von der Versammlung im Gottes-

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aus Rom; kann es neben Mauern nicht Bruecken sein? Vgl. מעברתא Jastrow 813: crossing, ferry, ford.

[18] In Kalla Rabbathi = Derekh Eres R.c. 6 entspricht עוברין.

[19] S. Krauss in *R. E. J.*, XXXVII, 56, woselbst ausfuehrlich.

[20] *Synagogale Altertuemer*, S. 104. L. Loew, *Graphische Requisiten*, 1, 32, Anm. 143, citiert die noetigen Stellen, hat aber das Richtige doch nicht erkannt. L. I, 211, hat speciell unsern Ausdruck richtig erklaert; vgl. auch J. 158.

hause die Rede. In der Parallelstelle, wo diese Erzaehlung noch vorkommt (Gen. R. 42, 1; Aboth R. N. c. 6, respective c. 13, p. 30), ist der Text viel kuerzer, und der Ausdruck בטל wird nicht gebraucht. Somit hat Gaster's Text wieder etwas gebracht, was unser Wissen vom hebraeischen Sprachschatz bereichert.[21]

בית תור = Bethar, zweimal so geschrieben bei G. 42, 12 und 48, 12. Diese correcte Schreibung kommt noch hinzu zu den Texten, die bei Schuerer I, 579 und bei I. Loew in Krauss, *Lehnwoerter* II, 153 gesammelt worden sind.

בסרטנה, 122, 12, ist verfehlt statt בסטרנה, *basterna* (*Lehnwoerter*, II, 160); vgl. Horowitz בית עקד האגדות p. 13, wo בשטרונה steht.

ברזל s. עפרת.

גבוהא. Den Namen Gebiha ben Pesisa, den wir schon beruehrt haben, bietet unser Text in No. 67 (p. 9, 13; 9, 23) in der form גְּבוֹהָא = Gaḅoha, was mir richtiger zu sein scheint als גביהא der Ausgaben (einmal auch G. 38, 12 גביהא). Vgl. auch K. II, 228, Note, der aus einer Aggada-Sammlung גבוהה anfuehrt. Unsre Lexica acceptieren diesen Namen nicht, weil in der Parallelstelle (Gen. R. 61 und b. Sanh. 91a, Aruch-ausg. uebrigens hier גביעה (גביהא dafuer steht (der Vater heisst hierbei bald קוסם bald פסיסא).[22] Aber der Name in ersterer Form muss jedenfalls angenommen werden, da doch ein גביה מבי כתיל vorkommt (L. I, 292).

גולש. Es ist das ein Name in der Form אבא גוליש (No. 131, p. 90, 20, vgl. auch Gasters Vorwort No. 100 und 131), besser אבו גוליש zu lesen. Der Name ist offenbar identisch mit talmud.

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[21] Auch in Mekhilta, ed. Friedmann p. 63a, oben (בטלים) hat nach Jalkut eher בטלנים zu stehen. Dies hat I. Klausner in *Ha-Shiloah* XL, 304, nicht beachtet. Etwas aehnlich ist der Ausdruck בדלים ממלאכתם, Mekh. zu XVIII, 22 p. 60a; vgl. מי בדלת b. Ber. 2,7b; Erub. 40b, s. K. II, 17 und Elbogen in *Lewy Festschrift*, p. 174, doch ist natuerlich בדל mit בטל nicht zu verwechseln.

[22] Man muss annehmen, dass das identische Namen sind; קוסם ist klar, wogegen פסיסא etwa von פסס = פיס, wovon aram. פייסא stammt; J. 1162: lot, balloting. Beide Namen, und gewis auch גבוהא = der Hoeckerige, haben appellative Bedeutung und sind wohl nur fingiert.

עילש palmyr. עלישא, wie ich es an anderer Stelle ausgefuehrt habe.[23]

גחט. Mehrmals גחיט, 141, 25 ff., nur in einem einzigen Texte b. Berakh. 56a, s. die Lesart in *Dikduke Sopherim*, p. 154b, und s. Rashi daselbst. Mehr bei K. II, 251. Etymologisch ist גהט (גחט kommt auch mit ה vor) mit גהץ zusammen zu stellen, wie J. 215 richtig gesehen hat. Da גחט, wie gesagt, in unserm Talmud nur einmal vorkommt, bedeutet der Text, ed. G., wieder eine Bereicherung unseres Wissens.

גטות, im Text, ed. G., No. 6 (p. 9, 18): אברהם שכתב גטות לבניו—ist ein Plural des bekannten Wortes גט,[24] der sonst nicht vorkommt (man sagt gewoehnlich גטין). Der Schreiber, der das niedergeschrieben (in Jemen?), hat an dieser Pluralform keinen Anstoss genommen. In Wirklichkeit ist aber das ganze Wort an dieser Stelle verfehlt; in b. Sanh. 91a steht in Agg. אגטין, in Aruch לגטין (vgl. *Lehnwoerter* II, 304), was dem Gen. XXV, 6 entspricht; vgl. immerhin Gen. R., c. 61, g. Ende, wo dem Fremdworte שטר שילוח entspricht, also = גט.

גיוא. In dem Satze אפקי לגיוא דרביתא, 10, 15, waehrend in b. Hullin 60a גירא steht. Der neue Text ist besser; vgl. גווא ,גו bei K. II, 253. Also: "er fuehrte ihn hinaus in die Mitte (etwa Insel) [des Flusses] Rebitha."

גליון. Dieses Wort hat in G. 139, 11 die Bedeutung Entdeckung; "alle Schaetze[25] der Welt werden einst entdeckt werden (עתידין להגלות) fuer den Koenig Messias, ... und dann wird sein גליון (!) הכל". Der Editor hat mit Recht dieses Wort mit einem Zeichen versehen; es kommt in dieser Bedeutung in keinem Lexicon vor. (Auch bei B J, 779, nicht).

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[23] *Orientalische Literaturzeitung*, 1917, p. 110–112 ff. G. hat von diesem Aufsatze keine Notiz genommen. Sein Text ist also bereits in Midr. ha-Gadol, ed. Hoffmann, gedruckt. Sonst haben wir dazu keine Parallelstelle.

[24] Heute wissen wir, dass גט = *get* babylonisch-assyrisch *gittu* ist, s. Delitzsch, *Assyr. Woerterbuch*, Muss-Arnold, Brockelman, Jensen in *Liter. Centralblatt*, 1894, p. 54 und Andere. K. II, 273, und J. 233 (חטט=גטט) haben das noch nicht gewusst.

[25] Citiert wird Jes. XXIII, 18; vgl. dazu Bacher, *Agada der Tannaiten*, II, 410 and *A. der pal. Amoraeer*, II, 29, 31.

דוגמא. Hadrian wollte sich zum Gott machen; seine "Philosophen" halten das fuer unmoeglich, worauf ihm seine Frau sagt: "Sie waeren wert, dass man mit ihnen ein ד' macht, da sie sich gegen deine Herrschaft auflehnten und deine Goettlichkeit nicht annahmen," G. 6, 19. Hier kann ד', so glaube ich, nur Exempel, Strafe bedeuten, wie im M. 'Edujoth V, 6 (ed. Lowe דיגמה, MS. Kaufm. דיכגמה lies דיטגמא); vgl. *Lehnwoerter* II, 187. Diese Bedeutung des viel gebrauchten Wortes דוגמא = ϑεῖγμα ist hoechst singulaer.

דמקרא, 137, 27 lies דמוסיא.

דספיק. In der Erzaehlung vom Untergange Jerusalems kommt שקא דדיספק vor, G. 42, 12; 48, 12, Gitt. 55b ff. So in Aruch[26], waehrend Agg. verfehlt ר' mit R bieten. Durch Text, ed. G., ist nun ד' mit D bezeugt. K III, 51 emendiert dennoch ריספיק mit R, zu Gunsten einer Etymologie, die gar nicht sicher ist. Das Wort ist hoechstwahrscheinlich persisch, doch wurde es noch nicht identifiziert. J 302: a litter, carried by mules = basterna—ist der Sache nach richtig[27], aber: probably named after the city of Thapsacus—ist durch nichts erwiesen.

הדרקתלים. No. 214 (p. 140, 27) aus Koheleth R II, 17, 1, wo aber in den Agg. אמיקנטרון steht, ein Wort, mit dem man nichts anfangen kann. Der Mann, der an Kaiser Hadrian eine Bittschrift richtete,[28] duerfte jedenfalls ein Grieche gewesen sein (vgl. weiter unten טומסיא'). Der Name klingt nun im neuen Texte wie 'Ανδροκλῆς = Androcles, woneben auch Androclos vorkommt. Man kennt in der Geschichte viele Maenner dieses Namens;[29] am besten ist bekant Androcles, der entlaufene Sklave eines roemischen Senators, an den sich die ruehrende Geschichte mit dem dankbaren Loewen anknuepft (Apion bei Gellius V, 14; Aelian, H. N. VII, 48), und das war etwa unter Tiberius. Einen andern Mann dieses Namens muessen wir uns nun unter Hadrian denken.

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[26] Das talmudische Stueck auch abgedruckt bei Margolis, *l.c.*, p. 65*. Die Anmerkung von Margolis, Aruch דיספק mit einem Jod, ist nicht ganz genau, vielmehr hat z. B. Aruch, ed. Venedig, 1531, דייספק mit 2 Jod.

[27] Vgl. *Talm. Arch.* II, 338.

[28] Die Sache ist mitgeteilt in *Osar Israel*, I, 152 unter "Hadrian."

[29] Vgl. *Thesaurus linguae Latinae*, II, 37; Pauly-Wissowa, *Real-Encyclop.* I, 2149.

חוס, in der Phrase חוס ושלום, immer in dieser Form, z. B. 39, 4; 58, 23, wogegen gewoehnlich חס ושלום gefunden wird. Letztere Form wird bei L. II, 84; K. III, 451, eingehend behandelt, ohne dafuer befriedigende Erklaerung zu finden. Man vergleiche קול וחומר[30], welches entschieden besser ist als das landlaeufige קל וחומר. Es muss jedoch bemerkt werden dass der Text, ed. G., dieses in der landlaeufigen Form belaesst, siehe z. B. 74, 28.

חיק. In der bekannten Legende, dass Abraham die Goetzen seines Vaters zerstoert, heisst es (G. No. 2b, p. 5, 14), da brachten die Heiden ihre Soehne und Toechter herbei und legten sie in den Schoss Abrahams (בחיקו של אברהם אבינו). Dies erinnert sehr stark an den neutestamentlichen und christlich gewordnen Ausdruck, dass die Formmen nach ihrem Tode in den Schoss Abrahams versetzt werden (Luc. XVI, 22; vgl. Matt. VIII, 11). In den zahlreichen Parallelstellen, die G. anfuehrt, (doch fehlt ס' הישר), habe ich diesen Ausdruck nicht gefunden; חיק in diesem Sinne findet sich auch bei B J 1538 nicht; und doch waere es noetig gewesen schon wegen der significanten Stelle in b. Kidd. 72b oben (s. daselbst Rashi und Tosafoth).

חרך. Dieses Verb, welches in der Bibel nur einmal vorkommt: Prov. XII, 27, soll "sengen," "brennen" bedeuten, und selbst Gesenius, *Woerterbuch*,1 6. Aufl., beruft sich dabei nur auf die juedische Tradition. Kein Wunder, dass man hierfuer auch andre Erklaehrungen vorschlaegt. Tatsache ist, dass in den rabbinischen Schriften das Verb חרך sehr haeufig gebraucht wird, und es finden sich davon auch mehrere Wortbildungen. Unser Text 31, 20 hat nun חירוך קדרות בארץ יהודה, das etwa bedeutet: der Feuergeruch der Toepfe im Lande Juda. Ein Nomen חירוך wird bei L. K. J. nicht verzeichnet, nur B J 1748 hat es einmal ohne Beleg, das andre Mal aus R D K. Unsre Stelle bietet nun wieder eine Bereicherung des rabbinischen Idioms.

חרסף. Daraus מחרסף, 81, 10, was in der Glosse richtig fuer קשקשים, Schuppen, scales des Fisches erklaert wird. Sonst kommt unser Wort nur in aram. Idiom vor, vgl. K. III, 498; J.

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[30] Viel erortert in der Schrift von A. Schwarz, *Der hermeneutische Syllogismus* etc., Jahresbericht der isr. theol. Lehranstalt, Wien 1901.

505; aber unser Text hat ihn in einem fast durchwegs hebraeischen Satze. Auch sachlich bringt unser Text einen Gewinn: der fromme Verehrer des Sabbat hat die Perle, die ihm Gott bescheert, von unter den Schuppen des Fisches hervorgezogen; die Paralleltexte haben bloss: aus dem Fische.

טוטרפוס 26, 23, das ist = טורנוס רופוס, Tyrannius Rufus.

טומסיאי, 140, 28, etwas fehlerhaft fuer טומסין, von τόμος = Schriftstueck oder Register (*Lehnwoerter*, II, 263) richtig, waehrend sonst טימוס mit *Jod*.

טפקא, in dem Satze מתעביד לכון אטפקא, 21, 9, was etwa heisst: man wird euch zum Braten machen, man wird euch verbrennen. Demnach = טבהקא, ein persisches Wort, welches nur einmal vorkommt (s. Lexica). Es kommt zwar auch טפקא vor (L. II, 183; K. IV, 68; J. 548; D. 174; P Sm. 1505; Bm 139), und zwar auch dieses nur einmal und auch dieses persisch, aber die Bedeutung ist: panis, Brot, und passt an unsrer Stelle nicht. Unser טבהקא-טפקא entspricht dem טיגן an der Parallelstelle Pesiḳta R K 165a; der Ofen, in dem jemand verbrannt wird.

כבש. Zur Nr. 234: "Hezekiah's good Acts" verweist G. nur auf Berakhoth 10a, aber dort steht von unserm Stueck nur ganz wenig, alles uebrige, u.z. echt aramaeisch, ist neu. Da heisst es u.a. 154, 4, בהדי כובשי דמרי עלמא למא לך, was hast Du zu tun mit den Geheimnissen Gottes? In diesem Sinne finde ich כבש nirgends belegt, aber die Ableitung von כבש unterdruecken, verbergen, ist klar.

כוסית, 43, 16, מרתא כוסית, lies מרתא בת ביתוס, Martha, Tochter des Boethos.

כתר. Vor Nimrod sassen 365 "Kronenbinder" (קושרי כתרים, 4, 30), d.h. Vasallen. Es muss diese Phrase auf irgend ein im Altertum geuebtes Ceremoniell bei Hofe zurueckzufuehren sein. Davon erklaeren sich Vorstellungen vom goettlichen Hofe; vgl. b. Ḥagigah 13b Sandalfon קושר כתרים לקונו.

Der Ausdruck kommt noch in einem speziellen Falle vor: קושר כ' לאותיות b. Menah. 29b = תגין, s. K. IV, 364.

למוד. כלימודן, 122, 15 nach ihrer Gewohnheit. Ich finde unser Wort nirgends in diesem Sinne.

מגדל. "Turm" kann es nicht heissen in dem Satze מגדל אחד של אבן, 2, 24, wo nach dem Zusammenhang von einem Stuhle, von einer Sitzgelegenheit gesprochen wird. Vgl. auch den Paralleltext in No. 4 p. 6, 29. Wenn nun מגדל auch im Baderaume vorkommt,[31] so kann auch dort mit dem Worte eine Sitzgelegenheit gemeint sein. Diese Bedeutung von 'מ waere ganz neu.

מגזה, in der Zusammensetzung למגזת הפופוקיאה, 191, 32, das ist natuerlich das einigemal vorkommende מזיגת קפודקיא, Mazaca, die Haupstadt Cappadociens (s. *Lehnwoerter* II, 330). G. emendiert למדנת (so ohne Jod), wozu man aber nicht berechtigt ist.[32]

מעלות, im Satze 56, 10–11, muss ein Gefaess bedeuten, wie der Satz עד שנתמלאו כל מ', ib. Z. 20, und der ganze Zusammenhang zeigt. Das waere ganz neu.

מקב. Noch weiter in der Legende Abrahams (s. oben) heisst es: Gestern hat diesen Goetzen mein Vater gemeisselt mit Hammer und Hacke. (במקב ובקרדום, 3, 19). Der Singular מַקָּב (מקוב?) kommt sonst nicht vor; bh. מקבת, Pl. מקבות, aram. מקבא, Neubildung in rabbinischen Schriften מקבן, s. J. 829.

מקרון, so steht oft (z. B. 8, 1, 11) statt מקדון = Makedon (richtig in 38, 11); so einen Schreibfehler braucht man doch nicht stehen zu lassen!

נבל. Zu Ps. XCII, 4 ועלי נבל, wird bemerkt עלינו להתנבל בהן בימות השמד, 13, 13, was nur heissen kann: unsre Pflicht ist es, uns hinschlachten zu lassen der Thora wegen[33] zur Zeit der Verfolgung.[34] Demnach kann התנבל in diesem Zusammenhange nur von נבלה = totem Koerper gebildet sein. Auch die Glosse bemerkt dazu richtig: נמסור עצמינו, wir muessen uns dahingeben. Dass die Glosse ueberhaupt noetig, ist schon ein Beweis, dass dem Schreiber התנבל in diesem Sinne unbekannt war. Tatsaechlich finde ich es in keinem rabbinischen Woerterbuche. Unsre Stelle im S. *Ma'asijoth*, ed. G., duerfte nun belehrend sein auch fuer einen mehrfach vorkommenden talmudischen Satz; b. Berakh. 63b zu Prov. XXX, 32, vom Amoraeer R. Samuel bar Naḥmani: כל המנבל עצמו על דברי תורה סופו להתנשא, wo Rashi erklaert: Wenn du dich ernidriegst, Zweifelhaftes von Deinem Lehrer zu fragen, selbst wenn dich deine Kollegen darob spotten; vgl. auch die Erklaerer zu Gen. R. 81, 1 wo aber die Sprecher Ben Azzai und R. 'Aḳiba sind[35] und Derekh 'Ereṣ Z. c. 8,[36] wo מתנבל im Hithpael steht. Nach letzteren Stellen handelt es sich durchaus um Vorkommnisse im Schulleben, auf die ja der Sinn dieser Lehrer hauptsaechlich gerichtet war. Aber schon den darauffolgenden Satz in Berakh. 63b ואם זמות יד לפה muss Rashi in sehr gezwungner Weise erklaeren. Besser waere es, den ganzen Ausspruch, der ja durch Generationen von Mund zu Mund ging, so zu erklaeren, wie es etwa sein erster Urheber gedacht hat: Wer sich der Thora wegen "schaenden" (hinschlachten) laesst, wird erhoeht; und hast du was auszusagen[37] d. h. willst du oeffentlich unterrichten—die Hand an den Mund, (d.i. schweige einstweilen, wie ja einige Lehrer rieten, nicht zum Maertyrertum zu draengen, sondern einstweilen zu fliehen). Tatsaechlich wird in Gen. R. l.c. folgender Satz R. Akiba's gleich darauf mitgeteilt: Was hat es verursacht, dass Du geschaendet worden bist in Sachen der Thora?[38] Das, dass Du dich darin erhobest; d. h. R. Akiba beschuldigt sich, beschuldigt Andere, die in diesen Zeiten ob der Thora verfolgt worden waren, dass sie einen Stolz an den Tag gelegt hatten, was ja bei Gelehrten nicht unmoeglicht ist. In R. Akiba's Munde ist die Sache erklaerlich, auch wenn er nur einen Grund suchte, um die hereingebrochne goettliche Strafe zu rechtfertigen. Wir kennen die Jugendgeschichte R. Akiba's; er war frueher auf die Gelehrten nicht gut zu sprechen!

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[31] *Talm. Arch.*, I, 223; dort habe ich es als in die Wand eingebauten Schrein angesehen.

[32] Allerdings hat auch MS. M. במדינת דקסרי, wo Agg. במזיגת קיסרי haben: b. MK 26a.

[33] Vorher steht: עלי עשור, wir muessen die zehn Worte ueber uns nehmen.

[34] Dass שמד schlechthin die hadrianische Verfolgung meint, habe ich in meiner Abhandlung ueber die "Zehn Maertyrer" in *Ha-Shiloah*, XLIV (1925), mehrfach dargetan; das Stueck No. XIV, ed. G, aus welchem unser Citat genommen, handelt uebrigens durchaus von Hadrian.

נגד. "R. Jose ben Joezer hoerte es, seufzte und verschied" (איתנח ונגיד, 18, 25). So muss ich das aram. Verb נגד wohl deuten. Die Glosse sagt: חלה er wurde krank; vielleicht darum, weil hernach noch berichtet wird, Jose ben Joezer habe das Bett seines hingerichteten Neffen in der Luft schweben gesehen,[39] was doch voraussetzt, er sei noch nicht gestorben; aber das kann ein hysteron proteron sein. In der Parallelstelle Gen. R. 65 g. E. und Midr. Ps. XI g. E. heisst es נתנמנם בן יועזר, und das kann doch nur heissen, er schlief ein, er starb. איניגד in b. BB. 10b heisst ebenfalls: er wurde krank und verschied. Vgl. auch b. Pesah. 50a חלש ואתנגיד, und so uebersetzt auch L. III, 332. In b. Sanh. 39a und b. Sabb. 152a steht אתנגיד resp. נגיד vor אתנח und da ist der Sinn anders, etwa: er wurde krank und verschied, d. i. אתנח ein Euphemismus fuer gestorben sein, folglich נגד eine Vorstufe dazu. Vgl. syrisch נגד = *ruit*, Bm. 199.

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[35] Vgl. Bacher, *Agada der Tannaiten* I, 305. 416; *pal. Amor.*, II, 380; III, 263.

[36] Vgl. Krauss in *R. E. J.* XXXVI, 220.

[37] זמם in זמות der Schrift im Sinne von עדים זוממים oder מזמה.

[38] מי גרם לך להתנבל בדברי תורה..

נורא. In dem Stuecke No. LIII: Shela and clever Interpretation,[40] kommt der Satz vor: Da ist ein Jude, דליכא נורא דמלכותא עליה der sich vor dem Koenig nicht fuerchtet, und tut, was er will. So ungefaehr der Sinn. Was ist aber נורא woertlich? Ich vermute, dass dieses נורא = נירא = ניר ist, aramaeisch bei J. 909: yoke, servitude.

עופרת. Blei, lead. Abraham sah bei seinem Vater Teraḥ Goetzenbilder aus Silber, Gold, Kupfer, Eisen, Blei und Stein und Holz (4, 10). Vgl. im Kunstwerke des Hiram aus Tyros: der vierte Himmel war aus Blei (7, 4). Diese Verwendung von Blei und auch schon von Eisen ist bemerkenswert; Blei figuriert sehr wenig in der rabbinischen Literatur.[41] In Hirams Kunstwerk figurieren uebrigens auch (7, 3) אבנים טובות מגולגלות geschliffene Edelsteine; מגולגל[42] kennt man sonst nur bei weichen Stoffen, nicht beim harten Stein.

פוליט. Geschichte (No. 170) von R. Eliezer ben Hyrkanos, der ein בן פוליט war, die Glosse setzt dazu בורח Fluechtling (= פליט). Das ist falsch. Lies בן פוליט[מנון] = πολιτευόμενος = decurio Stadtrat (*Lehnwoerter* II, 425).

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[39] Im Text, ed. G. לשעה חזר נראה מיטתו וכו' lies וראה. Das Wort (= אתאנח) אתנח leite ich von אנח ab. Bei L. III, 355; J. 886; D. 265 kommt ein אתנח vor, welches von נוח gebildet ist: to be laid down, und to be satisfactory; auch אתניח, to be relieved, recover.

[40] Angeblich in b. Berakh. 61b ebenfalls vorhanden, dort ist aber nichts

[41] Siehe Lexica und mein Art. "Metal" in *Jewish Enc.*

[42] Vgl. K. II, 285, עיסה מגולגלת und dergleichen.

פלש. Dieses Verb wird in einer fremdartigen Weise gebraucht 99, 17, das Weib fiel zur Erde ושערה סתור מפולשת בעפר, und ihr Haar schleppte sich aufgeloest im Staube. Vgl. קרעתו ונתפלשה באפר, b. Gittin 58a.

פמליא = familia (vgl. *Lehnwoerter* II, 463) des Mondes (4, 1) d.i. Sterne, ist ein sehr gluecklicher Ausdruck, und verdient angemerkt zu werden.

פנים. Die Regierung sandte an die Lehrer: Sendet uns eine Leuchte (פנים, 138, 9)[43] aus eurer Mitte, und sie sandten den R. Meir. Ein sehr schoenes Wortspiel mit dem Namen R. Meir, und es bestaetigt sich, dass מאיר adjectivisch gedeutet wurde.[44]

פסק. Unser Text gebraucht gewoehnlich פסוק=פיסוק fuer *Pasuḳ* (z. B. 184, 24), vgl. auch im Talmud פיסוק טעמים, b. Nedar. 37a.

פפים im Namen פ׳ בן יהודה 16, 21 mit Jod geschrieben (vgl. oben פנים), doch steht gleich darauf פפוס mit Vau; vgl. *Lehnwoerter* II, 474. Wir haben in Mishna und Talmud auch פפיים und פפים (ib. 474) und es fragt sich, ob nicht unser Text die bessere Namensform: Papias ben Juda—aufbewahrt hat, da doch bekanntlich unsere Texte so verwahrlost sind.

פרא. In dem Satze לא תעביד בה פרא דלא תעביד בך פרא, No. 104 p. 71, 12, "tue nicht zuviel mit der Felde, sonst tut ee mit dir zu viel," ist פרא offenbar = παρά (s. *Lehnwoerter* II,476). In den Parallelstellen steht dieser Ausdruck nicht.

פרונטין. Ein Koenig, der seinen Leuten ein Mahl gab, befahl, dass Niemand leer kaeme, sondern mitbringe, worauf er sich lehnen koenne; die einen brachten פרונטין חיפין, u. s. w. (132, 24). Diese zwei Worte ergeben keinen Sinn. Die Parallelstelle Kohel. R. III 9, 1 hat: die Einen brachten Tapeten, die Andern brachten Matratzen u.s.w. beides mit einem griechischen Worte ausgedrueckt: *τάπης* und *ψιαθίον*. Danach lese ich hier: טפוטין = Tapeten und פסתיין = Matratzen. Hernach heisst es in unserm Texte: Und es gab welche, die brachten מובלין רטיבין, feuchte

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[43] Besser waere פנוס mit ׳ו = *φανός* (*Lehnwoerter*, II, 465), aber es scheint, das der Schreiber das Wort aehnlich machen wollte mit פנים, ibidem (שמאיר להן פנים בהלכה).

[44] Vgl. was ich ueber Maesa = R. Meir geschrieben habe in *Hebrew Union College Annual*, I, 206.

(frische) Dinge? Das passt nicht in den Zusammenhang, denn es muessen Sitzgelegenheiten gebracht werden. Ich lese daher גמורקין und סטרומטין, beides auch in Kohel. R. Dann heisst es weiter: Und manche brachten קנסין וקצנין. In dem ersten erkennt man leicht קיסין von Kohel. R.: Zweige, twig, chip, wood (J. 1364). Das zweite Wort muss etwa קצצין sein, Pl. von קצצה = timber (J. 1407). In Kohel. R. entspricht אבנין Steine. Die Anordnung in unserm Falle beweist, dass je zwei Dinge gemeint seien, darum ist auch פרונטין חיפין resp. מובלין רטיבין von uns so erklaert worden. Im Laufe der Erzaehlung, wo sich die Leute beklagen, im koeniglichen Palaste soll man auf Holz und Stein sitzen muessen![45] ist Stein nur eine Redensart, denn es war frueher nicht genannt worden, anders in Kohel. R., wo es tatsaechlich genannt wird.

צהב. Ein Trupp Soldaten kam in die Stadt, und wir fuerchteten uns, dass sie die Stadtbewohner kraenken wuerden (שלא יצהיבו את בני העיר 185, 14). An der Parallelstelle b. Beṣa[46] 21a kommt הצהיב nicht vor; L. K. und J. verzeichnen zwar מצהיב, הצהיב, aber nicht in dem hier erforderlichen Sinne.

צייר (von צור to form, shape, paint, J. 1270). Eine schoene Bildung davon findet sich im Texte ed. G. 22, 3, נתצוור אותו שטן בדמות זקן אחר, jener Satan gestaltete sich in die Form eines andern alten Mannes.

צער 54, 14, שמא נתזה צערה מפיה, lies צנורה und s. J. 1291.

צרוחות, 168, 19. In b. AZ 17a steht dafuer das drastische פיחה.

קנט, 70, 24, והיו קנוטין על דבר זה.[47] Diese Form des Verbs קנט war bisher unbekannt. Die Parallelstelle Kalla R. Derekh' E. R. c. 6 hat קנטרן בדבר.[48]

קצר, 12, 4, אזא ר' עקיבא ואקצר. Nach dem Zuasmmenhange heisst das: er wurde krank,[49] worauf es passend heisst: Der Kaiser sandte um ihn; er aber sprach: Ich kann nicht. Was ist aber קצר? Die Lexica lassen einen im Stiche. Vielleicht aber ist

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[45] מסובין, ed. G., ist besser als יושבין in Kohel. R.

[46] Bei G. unrichtig Pesaḥim.

[47] Das Particip Passivi קנוט hat hier offenbar reciproken Sinn.

[48] Lies קנטרו. Verb קנטר haeufig; J. 1390, to chide.

[49] Das meint auch die Glosse: התחילה lies התחלה, er wurde krank.

Bekhor. VII, 5 רוח קצרית zu vergleichen: eine Art Asthma. Vgl. auch syr. אתקצר, *refrigeratus* est, Bm. 334. Im Texte, ed. G., heisst es weiter: Er (sc. der Kaiser) befahl, dass man ihm (fuer R. Akiba) Medicamenta (סממני) um tausend Denar bringe. Aber *ein* Wort ist stoerend: פקיד ואיתיאו ליה מיאסיי סממני. Die Glosse macht: שם מקום, Ortsname, und G. setzt mit Recht ein! dazu. Ich glaube, dass wir es hier mit einem der seltenen Faelle zu tun haben, wo im Aramaeischen auf ein Verbum finitum ein V. infinitum folgt, also ואיתיו ליה מיתי u.s.w. R. Akiba sagte dem Boten: Wirf (die Medicamenta) in den Hundekot: גו מפקת כלביא. Auch status constr. von 'מ ist bemerkenswert. Vgl. immerhin J. 821.

קִשֵּׁט. Gott sprach zum Todesengel: Geh und schmuecke dich (קשט עצמך, p. 96, 20) mit den Zeichen (Werkzeugen) des Todes. Das ist eine beachtenswerte Sprache.

ראבה, 5, 2=רבא (der bekannte Amoraeer). Die Orthographie ist echt palestinensisch.[50]

רַבּוּן (in רבונו של עולם) 7, 18. Diese Aussprache ist sehr bemerkenswert wegen "Rabbuni" in der ehrfurchtsvollen Anrede an Jesus Marc. X, 51; Joh. XX, 16. Die gewoehnliche Aussprache ist רִבּוֹן, s. Lexica und Gebetbuecher.

רהו. Im Satze תמהו ופחדו ורהו 205, 27 emendiert G. ורעדו da aber die Sprache dieses Satzes aus Jes. XLIV, 8 stammt,[51] so darf nichts daran geaendert werden.

רקוד. Im Satze כי רקודי הדפנאי, 64, 19 offenbar Faesser (Glosse חביות). Die Lesart stimmt mit b. BM 84a Sabb. 127a Aruch, wogegen Agg. דקוראי haben.

שחה. Bemerkenswert מקום השתחויה, 2, 23, kultischer Ort[52].

שחן, 172, 29. Was ist שכר פרי הבטן (Ps. CXXVII, 3)? במשחינין עצמן בבטן, wenn sie sich erhitzen (?) im Leibe, damit ihre Frauen zuerst Samen bringen.

שִׁיחָה, nach der Punktierung in 18, 6 war Jose aus einem Orte

[50] Man kann sie auch syrisch oder mandaeisch nennen.

[51] Siehe meinen hebr. Jesaja-Comm. z. St. (Zitomir 1905).

[52] Vgl. Krauss, *Synagogale Alterteumer*, p. 23.

namens Shitho, waehrend nach Gen. R. 65, 22 יוסי משיתא, ein Beruf ausgesagt zu sein scheint.

שעמד, 46, 18 משעמדי דישראל. In den gewoehnlichen Texten hat sich das Wort משועמד = משומד fast nirgends erhalten.

שענן. Zur Nr. 269 gibt G. keine Parallele, wahrscheinlich nur aus Versehen, denn es gibt dazu Parallelen genug; s. besonders 'Aboth RN, Version I, c. 4, p. 19. In beiden Texten wird erzaehlt, dass R. Juda b. 'Jllai vor einer Braut mit einem Myrtenzweig[53] die Honneurs machte. In G. 176, 20 wird gesagt: והיה משענן בו. Dieses שענן waere sehr merkwuerdig, wegen der Stelle Targ. Isaiah LV, 12 ישענון בענפיהן (nach J. 1611 Shafel von עני, waehrend D. 431 ein Fragezeichen dazu setzt). Ich glaube jedoch, dass fuer שענן einfach שנן gelesen werden muss; שנן ist grade in diesen Texten ein Synonym zu: die Braut lobpreisen, was hier vorzueglich passt; s. Aboth RN.

תרח, 77, 28 תרחיה לגביה, wo die Glosse dem Sinne nach richtig: איחר אותו, er liess ihn warten. Das Verb stammt also von אחר und weist eine Metathese des 2. und 3. Radicals auf. Nur bei D. 449 findet sich dieses תרח mit der richtigen Ableitung.[54]

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[53] Bei G. שרביט של הדס, in Aboth RN liest Schechter בדין, s. I. Loew, *Flora*, II, 268 und Krauss, *Talm. Arch.* II, 38.

[54] Bei J. 1697 befindet sich ein andres תרח.

"GOTT WÜNSCHT DAS HERZ:" LEGENDEN ÜBER EINFÄLTIGE ANDACHT UND ÜBER DEN GEFÄHRTEN IM PARADIES

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הקדוש ברוך הוא לבא בעי,[1] Gott fordert das Herz.

DIE Lehre Kants "es gibt überall in der Welt und auch ausser ihr nichts Gutes, als einen guten Willen" findet sich auch in den Ueberlieferungen der Religionen mannigfach ausgeprägt. Ueber einem der Haupteingänge der Moschee Al-Azhar in Kairo—zugleich der meist besuchten Hochschule des Islam—prangt die Aufschrift: Siehe, die Handlungen werden nach der Gesinnung beurteilt und jedem Menschen wird zuteil nach seiner Gesinnung. Die christlichen, muhammedanischen, jüdischen Legenden, denen wir hier nachgehen möchten—Legenden, die an Innigkeit kaum überboten werden können—veranschaulichen diese Auffassung.

Hebräisch heisst Gesinnung כַּוָּנָה. Diese Gleichsetzung vollzieht Hermann Cohen folgendermassen; "Das Wort bedeutet allgemein Festigung, Gründung und somit Gesinnung. Aber es ist zur vorherrschenden Bedeutung gekommen für die Vorbereitung und die Absonderung des Gemütes für das Gebet. Es ist das Wort für Andacht geworden."[2] Diese Gleichsetzung können wir annehmen, ohne den Weg, auf dem Cohen zu ihr gelangt, richtig zu finden. Vielmehr scheint Steinthal recht zu haben, der in seinem der "Andacht" gewidmeten schönen Aufsatz meint, כונה "bezeichnet zunächst bloss das Richten, selbst in ganz sinnlicher

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[1] So heisst es im Talmudtext Bab. Sanh. 106b. In den דקדוקי סופרים wird keine abweichende Lesart angeführt, doch im spätern Schrifttum und im Volksmund heisst es allgemein: רחמנא לבא בעי.

[2] Hermann Cohen, *Die Religion der Vernunft aus den Quellen des Judentums*, Leipzig, 1919, S. 439.

Bedeutung, und erst allmählich erhält es im Sprachgebrauch die religiöse Bedeutung der Richtung des Gemüts auf Gott."[3]

Tatsächlich ist כונה prägnant aufzufassen für כונת הלב לשמים, "das Richten des Herzens zu Gott."

Die Bibel bietet kein dem entsprechendes Hauptwort, wohl aber in diesen Sinne das Zeitwort הכין, so I Sam. 7, 3 והכינו לבבכם אל ה' richtet euer Herz zu Gott, II Chr. 20, 33 ועוד העם לא הכינו לבבם לאלהי אבתיהם noch richtete das Volk nicht sein Herz zu Gott. Noch vollständiger II Chr. 12, 14 כי לא הכין לבו לדרוש את ה' Rechabeam richtete sein Herz nicht, Gott zu suchen, wohingegen von Chiskija II Chr. 30, 19 כל לבבו הכין לדרוש האלהים er richtete sein ganzes Herz, Gott zu suchen. (Ähnlich Esra 7, 10).

An Stelle des biblischen הכין tritt im Späthebräischen כיון. Dass man sich der Beziehung von כיון zu הכין bewusst war, beweist folgender aggadischer Satz: Jer. Megilla 71c הכון לקראת אלהיך ישראל (Am. 4, 12) אמר רבי סימון התכוון לקראת אלהיך ישראל bereite dich vor, Israel, für deinen Gott, bedeutet nach R. Simon, richte deine Andacht zu Gott. Hier kann die Entstehung des Hauptwortes כוונה aus seinem Stammzeitwort in *statu nascenti* beobachtet werden. Ähnlich iu der Mishna Ber. II, 1 (13a) אם כיון לבו יצא wenn man "sein Herz richtet," hat man der Gebetspflicht entsprochen. Im Anschluss an diese Mischna wiederholt sich im pal. Trlmud 4a wie auch im bab. Ber. 13b die Forderung צריך שיכוון (לכוון) את לבו "man muss das Herz richten." B. Ber. 30b לעולם ימוד אדם את עצמו, אם יכול לכוין את לבו יתפלל, ואם לאו אל יתפלל stets wäge der Mensch sich selbst ab, nur wenn er sein Herz (zu Gott) richten kann, bete er.

Vollständiger lautet die Wendung Mischna Ber. V, 1 (30a) חסידים הראשונים היו שוהין שעה אחת ומתפללים כדי שיכוונו לבם לאביהם שבשמים die früheren Frommen warteten mit dem Gebet, damit sie ihr Herz zu Gott richten. Besonders bezeichnend B. Ber. 17a אחד המרבה ואחד הממעיט ובלבד שיכוון לבו לשמים nicht auf das Mehr oder Weniger, nur darauf kommt es an, dass man das Herz zu Gott richte. Wie für כוונת הלב לשמים gekürzt כוונה gesagt wird, kann auch לב an sich gesagt werden, so B. Sanh. 61b, 62a, 62b הרי לבו לשמים für הרי כונת לבו לשמים. So lesen wir B. Ber. 15a, 15b den schönen Satz אחר כונת הלב הן הן הדברים alles kommt auf die Andacht des Herzens an.

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[3] H. Steinthal, *Zu Bibel und Religionsphilosophie*, I, Berlin, 1890, S. 152.

In diesem Sinne, und nur in diesem Sinne möchte ich die Stelle B. Megilla 24b verstehen: באבנתא דלבא תליא מילתא והא קא מיכוין וידע.[4] Bei den Geheimnissen des Gotteswagens kommt es auf das Verständnis des Herzens an, und auch ein Blinder kann sein Herz diesen Geheimnissen zuwenden.

Tief erfasst ist die Bedeutung der Gesinnung in dem Spruch R. Eliezers: אין צדקה משתלמת אלא לפי חסד שבה (B. Sukka 49b), selbst gute Taten werden nur nach dem Mass der Liebe vergolten, mit der sie geübt worden.

Den kernigsten, zutreffendsten, gleichwertigen Ausdruck aber findet diese Anschauung in dem Satz: הקב"ה לבא בעי, oder volkstümlicher רחמנא לבא בעי.[5]

Oft ausgesprochen, oft auch nicht ausgesprochen, dient dieser Kernsatz zum Leitmotiv zahlreichter inniger Legenden, in denen die einfältige Andacht, die demütig verborgene Frömmigkeit verherrlicht wird. Andacht ist vor allem für das Gebet bezeichnend. In einer Reihe dieser Legenden wird das dürftige, einfältige Gebet des unwissend Andächtigen von Gott mit besonderem Wohlgefallen aufgenommen, zuweilen durch ein Wunder belohnt. In anderen Legenden wieder wird der demütig Fromme durch die Gegenüberstellung mit dem berufsmässig Frommen erhöht. Ein Gelehrter, Rabbi, Priester, Einsiedler, Heiliger wendet sich an Gott mit der Bitte, ihm das Mass seines Verdienstes oder (wie es scheint, in späteren Fassungen) seinen Gefährten im Paradies bekannt zu geben. Da wird der dünkelhaft Betende an eine sittlich anscheinend tiefstehende Person gewiesen, die ihm gleich komme; der Dünkelhafte entrüstet sich über diese Gleichsetzung, muss aber schliesslich bekennen, dass er nicht an den verkannten Frommen heranreicht. Wir ziehen also in den Kreis von רחמנא לבא בעי zwei Gruppen von Legenden: I) Die Legenden vom einfältigen Gebet, II) Die Legenden vom Gefährten im Paradies. Judentum, Christentum und Islam haben sie geschaffen und miteinander ausgetauscht.

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[4] Diesbezüglich bedürfen die talmudischen Wörterbücher einer Berichtigung. Eine ähnlich klingende Wendung findet sich noch Bab. Aboda Zara 28b דשורייני דעינא באובנתא דלבא תלו. Beide Stellen erklärt Levy I, 13a: die Lichtstrahlen (Adern, Sehnen) des Auges hängen mit den Kammern des Herzens zusammen. Kohut, *Aruch compl.* I, 15a, schwankt zwischen "Einsicht, Vorstellung" und zwischen "Kammer, Wohnung," Nun aber müssen die beiden Stellen geschieden werden. In Ab. Zara handelt es sich tatsächlich um eine physiologische Annahme, dort ist שורייני Subject und אוּבְנְתָא zu lesen. Meg. 24b aber heisst es באבנתא דלבא תליא מילתא, "die Sache kommt auf das Verständnis des Herzens an."

[5] Der biblische Satz I Sam. XVI, 7, וה' יראה ללבב, bezeugt neben dem Wert des Herzens noch die Allwissenheit Gottes.

I. Einfältige Andacht.

1. christliche legenden.

Wir gehen von den kirchlichen Legenden aus, weil sie in vielen Fassungen verbreitet die bekanntesten sind und auch schon zusammengestellt wurden.[6] Manchmal kennt der Fromme nur ein Gebet oder nur wenige Gebete; manchmal sagt er sein einziges Gebet falsch, so dass er eigenltich Gott nicht preist, sondern lästert; manchmal weiss er überhaupt nicht zu beten und bezeugt seine Andacht auf einfältige, sogar drollige Art.

A. Dürftige Gebete.

Der Dominikaner Étienne de Bourbon (XIII. Jhdt.) erzählt, er habe von einem Weibe gehört, das sich zum Gebete niederwarf und tagsüber stammelte: *Pater noster! Ave! Credo!* Tränen überströmten sie, doch diese Tränen wurden aufgesogen durch eine Taube, die vom Himmel herabgestiegen. Verwundert beobachtet sie der Bischof der Kirche. Er meint, wie selig müsste dieses Weib werden, wenn sie auch Psalmen an Gott richten könnte. Er lehrt sie die Psalmen. Doch da bleiben die Tränen weg, weg bleibt die Taube. Der Bischof nimmt den Psalter zurück, ermuntert die Fromme, bei ihrem gewohnten Gebet zu verbleiben. Da gewinnt die Frau ihre Andacht, ihre Tränen, ihre Taube zurück.[7]

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[6] S. die Bibliographie am Ende des Aufsatzes.

[7] *Anecdotes historiques, légendes et apologues, tirés du recueil inédit d'Étienne de Bourbon*, ed. Lecoy de la Marche, Paris 1877, S. 179, N. 20b. Von Étienne de Bourbon scheint diese Legende übernommen zu haben Joannes

Selbst Priester zeichnen sich zuweilen eher durch ihre Andacht als durch ihre Gelehrsamkeit aus. Von einem Geistlichen wird erzählt, er habe nur 5 Psalmen gekannt, die er dann beständig hersagte, gewohnheitsmässig, doch inbrünstig. Als er stirbt, blühen aus seinem Munde fünf Rosen hervor, (den 5 Psalmen entsprechend) frisch, blätterreich, als wären sie so eben gepflückt.[8]

Ein andächtiger, doch beschränkter Priester, der nicht einmal sein Brevier recht zu entziffern versteht, trägt täglich dieselbe Messe vor: *Salve sancta parens!* Eine andere weiss er nicht. Sein Bischof entrüstet sich über diese Unwissenheit und verbietet ihm das Priesteramt weiterhin auszuüben. In der Nacht darauf erscheint Marie dem Kirchenfürsten und fordert ihn auf, ihren Diener in sein Amt einzusetzen, denn Frömmigkeit geht über Gelehrsamkeit.[9]

B. EINFÄLTIGES GEBET.

Ein frommer Einsiedler lebt zurückgezogen auf einer Insel. Von der menschlichen Rede hat er nur drei Worte behalten: Miserere *tui* Deus! Gott! erbarme Dich *Deiner*. Einmal wird ein Bischof vom Sturme auf die Insel verschlagen. Er lehrt den Einsiedler richtig beten: Miserere *mei* Deus! Gott! erbarme Dich *meiner*. Als der Bischof mit dem Schiffe schon das Ufer verlassen hatte, merkt der Einsiedler, er habe die Berichtigung vergessen, läuft dem Bischof nach, erst auf der Insel, dann wunderbarerweise auf der Fläche des Meeres, erreicht ihn und bittet um das richtige Gebet. Der Bischof, vom Wunder betroffen, ermuntert den Einsiedler, er möge sein gewohntes Gebet sagen.

Die Legende hat auch eine sonderbarere Wendung genom-

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junior Gobii, französischer Dominikaner des XIV. Jhdts. der sie im Auszug mitteilt: *Scala Coeli*, Ulm 1480, folio 136b.

[8] Adolf Tobler im *Jahrbuch für romanische und englische Litteratur*, 1866, VII, 435, der auch auf die elfte und fünfzehnte von Pfeifers Marienlegenden hinweist.

[9] *Sermones Pomerii Fratris Pelbart de Themeswar*, (divi ordinis S. Francisci), *De Tempore* (Hagenau 1500), Pars aestiva, Sermo XXIX, E.—Pauli, *Schimpf und Ernst*, ed. Oesterley, Stuttgart 1866, No. 332.—Ad. Tobler, *l.c.*, 409, 410.

men: Der Fromme "wird krank, als er richtig und gesund, als er unrichtig betet."[10]

Es muss aber eine noch kühnere Fassung der Legende gegeben haben. Doch ich kenne sie nicht aus mittelalterlichen Legenden sondern folgere auf sie aus neuzeitlichen Bearbeitungen bei ungarischen Schriftstellern. Da heisst es: Ein Bischof kommt auf eine Insel, findet einen Einsiedler, wie er inbrünstig fleht: Verflucht seist Du Gott! Der Bischof belehrt ihn, man müsse beten: Benedeit seist Du Gott! Der Einsiedler vergisst die Berichtigung, läuft dem Bischof nach, das Wunder des Laufens übers Meer wiederholt sich, wie auch die Erkenntnis des Bischofs: beim Gebet kommt es aufs Herz an.[11]

In der lateinischen Legende muss der Einsiedler gebetet haben: *Maledictus sis Deus*! und der Bischof ihn berichtigt haben: *benedictus sis Deus*! Ähnliches finden wir in den jüdischen Legenden.

C. Einfältige Anbetung

Teilweise noch in den Kreis des einfältigen Gebetes gehört eine Legende, die in vielfachen Fassungen verbreitet, sich schon im XII. Jahrhundert aufgezeichnet findet. Ein zum Altardienst verordneter Knabe sagt zum steinernen Standbild: "Herr, willst du von meinem Brot?" Da antwortete das Bild: "Bald werde ich dir von meinem Brote geben."[12]

In der weiter ausgebildeten Legende aber verliert das Verhalten des Kindes den Charakter des Gebets und wird zur frommen, einfältigen Opferhandlung. Der Knabe kniet vor das Marienbild mit dem Jesuskind, das aus Holz geschnitten war und sagt: "Hör' einmal, lieber Gott, was bist du mager! gewiss lassen dich die Leute hungern; ich will dir aber jeden Tag mein halbes Essen bringen." Von nun an brachte er dem Bilde jeden Tag die Hälfte von seinem Essen, das Bild nimmt die Speise und wird davon zusehends dicker und stärker. Eine Zeit lang ist das Kind krank. Wie er aufstehen konnte, eilte er mit seiner Speise vor das Bild und sprach: "Lieber Gott, nimm's nicht übel, dass ich dir so lange nichts gebracht habe: ich war aber krank und konnte nicht aufstehen." Da antwortete das Bild: "ich habe deinen guten Willen gesehen, das ist mir genug; nächsten Sonntag sollst du mit mir auf die Hochzeit kommen." Der Pfarrer möchte mit, aber nur der Knabe kommt zur ewigen Hochzeit.[13]

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[10] Groeber, *Grundriss der romanischen Philologie*, II, 1, Strassburg 1902, S. 916.

[11] Mikes, *Törökországi levelei* (Briefe aus der Türkei), 206. Brief vom 29. Dezember 1757. Vörösmarty, *Szent ember* (Der Heilige).

[12] S. den lateinischen Text (nach Migne, *Patrologia latina*, 156, 617 und 173, 1383) und die grossartig reiche zusammenstellung bei Bolte-Polivka, *Anmerkungen zu den Kinder- und Hausmärchen der Brüder Grimm*, III, 474.

Eine andere Legende erzählt von einem Tänzer, der des weltlichen Treibens satt, sich ins Kloster zurückzieht. Da empfindet er schmerzlichst seine Unwissenheit in göttlichen Dingen. Zeit seines Lebens hatte er gesprungen, getanzt, Purzelbäume geschlagen. Er kennt kein Gebet, selbst das Vaterunser nicht. Als einmal die Glocke zum Gebet ruft, flüchtet er in selbstanklagendem Weh in die unterirdische Kapelle, wo das Marienbild von Kerzen beleuchtet steht. Der Mönch-Tänzer streift seine Ordenskutte ab, springt vorwärts, rückwärts, geht auf den Händen die Kapelle entlang, schlägt Purzelbäume, führt den Sprung von Metz, Rom, Lothringen, der Champagne, Spanien, der Bretagne vor. Nach jedem Schaustück verbeugt er sich vor dem Marienbilde, beteuernd, er tue es nur ihr zu Ehren. So verrichtet er seine Andacht, während oben der Gesang der Brüder tönt. Endlich sinkt er, schon bewusstlos, vors Bild hin. Da beugt sich Maria mit gütigem Lächeln über ihn, fächelt ihn mit ihrem Tuche, kühlt mit ihrer Hand seine heisse Stirne. Ein Ordensbruder, der all dies beobachtet, meldet es dem Abt. Der Abt fleht den Tänzer um seine Freundschaft, damit dessen Verdienst auch ihm zum Helle gereiche. Der arme Tänzer stirbt vor Seligkeit. Ein Engelheer trägt ihn in die Himmelsauen.[14]

Die europäische Dichtung hat gerne den Stoff der Legende von der frommen Einfalt verwertet. Das einfältige Gebet mit seiner wundertätigen Wirkung hat Tolstoi in seinen *Russischen Dorfgeschichten*, der grosse ungarische Dichter Vörösmarty in seinem *Szent Ember* (Der Heilige) dargestellt. Besonders die

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[13] Grimm, *Kinder- und Hausmärchen*, 209, (vorletztes Stük): Die himmlische Hochzeit.

[14] *Del Tombeor Nostre Dame*, ed. Wendelin Förster, *Romania*, II, 315–327.

Legende vom Tänzer Marias hat oft zur Nachbildung angelockt, unter Anderen auch Anatole France, der sich von den Legenden des Mittelalters hingezogen fühlte. Hier und da klingt uns förmlich das רחמנא לבא בעי entgegen, so bei Vörösmarty, bei dem es heisst: nur nach dem Herzen urteilt Gott. Aehnlich auch bei Molière:

Les divinités
Ne jettent leurs regards que sur les volontés:
C'est le coeur qui fait tout. (*Mélicerte*, II, 3)

2. MUHAMMEDANISCHE LEGENDEN.

Den christlichen Legenden am nächsten steht, was über Ssidi-Bu-Sammara, den Schutzheiligen der Seefahrer berichtet wird. Ssidi-Bu-Sammara gehörte zu den geistig Armen. Tags über pfiff er vor sich hin, abends sagte er unabänderlich: Alles, was wir gepfiffen haben, bieten wir Gott dar. Eines Tages besuchte ihn ein Heilliger und unterhielt sich mit ihm. Er merkte, dass Bu-Sammara nichts vom Islam wusste, und dass er, um Gott zu dienen, nur pfeifen konnte. Er lehrte ihn das Wesentlichste von dem, was die Religion vorschreibt: Waschungen, Gebete. Bu-Sammara wandte viel Eifer daran und erlernte gehörig die religiösen Gebräuche. Der Heilige nahm Abschied von ihm, setzte sich auf die Schafshaut, die ihm zum Gebetsteppich und zum Fahrzeug diente, und zog auf den Wellen weiter. Als Bu-Sammara einige Stunden später beten wollte, merkte er, dass er einige Einzelheiten vergessen hatte. Er stürtzte sich dem Heiligen nach auf die Wellen, wandelte auf dem Wasser wie auf dem Trockenen und erreichte bald den Heiligen. Dieser ist höchst erstaunt: Ich habe mein ganzes Leben im Gebet verbracht und habe nur so viel erreicht, dass ich mittels meines Betfells auf den Wellen wandeln kann; du kannst nichts als pfeifen und wandelst ohne Fell auf dem Meere. Geh' und pfeife zur Ehre Gottes! So kehrte Bu-Sammara um und pfiff weiter zur Verherrlichung des Höchsten.[15]

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[15] Angeführt bei P. Saintyves, *Essais de folklore biblique*, Paris 1923, S 354, 355.

Bu-Sammaras Pfeifen erinnert an die Sprünge und Purzelbaüme vom Tänzer Marias. Das Wandeln über den Fluten hat er mit dem einfältigen Frommen des "miserere tui Deus" gemein.

Die zwei weiteren muhammedanischen Legenden, die wir besprechen wollen, weisen auf das Judentum hin.

Unter den Israeliten gab es einen unwissenden Frommen, der sich in einer Einsiedelei dem Dienste Gottes weihte. Er hatte einen Esel, den er in der Umgebung seiner Zelle grasen liess. Wie er ihn so weiden sieht, ruft er aus: Herr, mein Gott, hättest Du einen Esel, ich möchte ihn mit meinem Esel zusammen weiden. Ein Profet von den Profeten der Banu Israel ist über den Einsiedler wegen dieses Gebets entrüstet, doch er erhält von Gott die Eingebung: siehe, ich belohne meine Diener nach dem Masse ihres Verständnisses.[16]

Professor Goldziher hat diese Legende eingehend untersucht und derart erklärt, dass sie ursprünglich von einem Beduinen, einem Hirten erzählte, denn dieses einfältige Gebet passt eben in den Mund eines Hirten. Als die Erzählung in den Kreis der Isra 'illija gezogen wurde,—Damiri berichtet nach älteren Gewährsmännern, Muhammed selbst habe diese Geschichte vorgetragen—sei aus dem Beduinen ein (nach einigen Fassungen israelitischer) Einsiedler geworden. Goldziher hat auch auf die Parallele im *Sefer Chassidim* hingewiesen, welche wir unter den jüdischen Legenden bringen.

Zur muhammedanischen Litteratur muss auch die Legende gerechnet werden, welche Professor Bacher nach einem handschriftlichen Bande von Elkan N. Adler mitteilt. Die Legende ist wohl in hebräischen Lettern, in einer jüdischen Handschrift erhalten, gibt aber selbst als ihren Verfasser den neupersischen Dichter Ferid-eddin Attār an, gehört also dem persich-muhammedanischen Schrifttum an.

Es war ein Steinhauer am Berge Sinai. der haute Steine und sprach: "O Sündenvergeber, wie lange verbirgst du dich im Himmel vor unseren Augen? Es wäre schön, wenn du zu uns auf die Erde kämest." Er verspricht, Gott ein wohnliches Stein-haus zu bauen und sich in Gottes Dienst zu stellen. Vierzig Tage und vierzig Nächte haute er die Steine. Als das Haus fertig und mit allem ausgestattet war, flehte er wieder, Gott möge auf die Erde kommen. Da geht gerade Moses vorüber, hält die Worte für grobe Gotteslästerung und weist den Steinhauer mit harten Worten zurecht. Als aber Moses wieder auf den Berg Sinai kommt, wird er von Gott getadelt, dass er den Steinhauer zum Schweigen gebracht, wo doch jedes seiner Worte ihm als Ausdruck frommer Hingebung anzurechnen sei. Moses kehrt zuück, beruhigt den Steinhauer, er möge auch weiter sich mit solchen Worten an Gott wenden, da Gott an ihnen Gefallen finde.[17]

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[16] Goldziher, *R E J*, 1902, XLV, 11, 12; Victor Chauvin, *La recension egyptienne des 1001 Nuits*, Bruxelles 1899, S. 102; René Basset, *Mille et un contes, récits et légendes arabes*, Paris 1924, I, 260.

Auch diese Erzählung kann dem Kreise der Isra'illija zugerechnet werden. Hier tritt ja nicht bloss einer der Profeten der Banu Israil zurechtweisend auf, sondern Moses selbst. Die vierzig Tage, Mosis erster und zweiter Aufstieg auf den Berg Sinai, verraten klar die Beziehung zum Judentum.

3. AGGADA UND JÜDISCHE LEGENDE.

Für das einfältige Gebet vom Esel Gottes, den der Fromme weiden möchte, hat bereits Goldziher auf den entsprechenden Abschnitt im *Sefer Chassidim* hingewiesen. Hier lesen wir:

Was der Mensch Gottgefälliges leisten kann, leiste er; wenn seine Kraft nicht langt, strebe er danach. So gab es einmal einen Hirten, der nicht zu beten wusste. Tag für Tag wiederholte er: Herr der Welt, Dir ist es kund, dass wenn Du Weidevieh hättest, ich es, wie anderen um Lohn, Dir gerne umsonst weiden möchte, da ich Dich liebe. וישראלי היה. Es war aber ein Israelit. Einst ging ein jüdischer Gelehrter des Weges und traf den Hirten, wie er dieses Gebet sprach. Einfaltspinsel!—rief er—bete doch nich so. Er lehrte ihn die Segenssprüche, das Schema und die Tefilla. Kaum aber war der Gelehrte fort, da hatte der Hirt schon alle neuerlernten Gebete vergessen. Sein früheres Gebet aber wagte er nicht mehr zu wiederholen, da ihm dies verwehrt war. Da hatte der Gelehrte eine Traumerscheinung: ermuntere den Hirten, dass er bete wie zur Zeit, ehe du zu ihm gekommen—sonst trifft dich die Strafe dafür, dass du mir eine Seele geraubt, die für die ewige Seligkeit bestimmt war. Der Gelehrte begab sich stracks zu dem Hirten und fragte ihn, was er betet. "Nichts, denn ich habe vergessen, was du mich gelehrt und das mit dem Weidevieh hast du mir verboten." Da erzählte der Gelehrte ihm von seinem nächtlichen Gesichte und schloss: "Bete nur, wie du es gewohnt warst" Nun siehst du, zieht das *Sefer Chassidim* daraus die Lehre, nicht Gelehrsamkeit, nicht Handlungen,—nur die Absicht Gutes zu tun wird hoch angerechnet. Denn רחמנא לבא בעי. Darum hege der Mensch gute Absichten vor Gott.[18]

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[17] *J Q R*, 1904, XVI, S. 537.

Goldziher hat auf den Einschub וישראלי היה verwiesen, der beweise, dass diese Erzählung einer nicht jüdischen Legende entnommen sei.

Doch die zu Grunde liegende Anschauung vom einfältigen, oder dürftigen Gebet lässt sich bis zur älteren Aggada, sogar bis zu den Tannaiten verfolgen. Eigentlich vertritt schon R. Meir diese Anschauung. R. Jose stellt den Satz auf כל המשנה על המטבע שטבעו חכמים לא יצא ידי חובתו nur das von den Rabbinen geprägte Gebet habe Geltung. Dem widerspricht Rabbi Meir: אפילו אומר ברוך שברא החפץ הזה מה נאה הוא זה, יצא. Wer beim Anblick einer Schöpfung Gottes auch nur ausruft: oh wie schön! hat seiner Gebetspflicht Genüge getan. Sowohl Samuel als Rab entscheiden im Sinne Rabbi Meirs. Einmal kommt ein Perser zu Rab בגין דאנא אכל פיסתי ולא אנא חכים מברכא עליה ואנא אמר ברוך דברא הדין פסא נפיק אנא ידי חובתי, א"ל אין. Ich kenne die festgesetzten Segensprüche nicht. Wenn ich sage: Gesegnet der dies Brot geschaffen, tue ich meiner Pflicht Genüge? Gewiss, beruhigt ihn Rab. (Jer. Berachot 10b unten).

Weiter noch als Rabbi Meir gehen zwei Amoräer, R. Acha und R. Issachar. Die Worte ודגלו עלי אהבה Cant. II, 4, deutet R. Issachar derart: תינוק שקורא למשה משה לאהרן אהרן לעפרן עפרן אמר הקב"ה ולינלגו עלי אהבה. Wenn ein Kind den Namen Mosis, Aarons, Efrons falsch ausspricht,[19] so its Gott selbst dieses Stammeln lieb. (Shir R. ad II, 4, ed. Wilna 15a).

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[18] *Sefer Chassidim*, ed. Berlin 1891, S. 6, p. 4–6.

[19] Gewiss hat יפה קול gegen מתנות כהונה recht, dass es sich hier nicht um irriges Lesen der Punktation, sondern um Fehler der Kinderaussprache handelt. Tosafoth Aboda Zara 22b s.v. רגלא denkt an eine Verwechslung von אהרן mit הרן. Doch eher lässt sich nach Jer. Berachot 4d und Bab. Megilla 24b eine

Noch kühner deutet denselben Vers R. Acha: עם הארץ שקורא לאהבה איבה כגון ואהבת ואייבת ודילוגו עלי אהבה Wenn ein Unwissender statt אהבה Liebe איבה Feindschaft liest, also statt "liebe den Ewigen" betet: "hasse den Ewigen," so ist Gott auch diese fehlerhafte Rede lieb.[20]

Allerdings war eine richtige Aussprache erwünscht, natürlich unerlässlich für den Vorbeter. So heisst es in der Boraita Bab. Megilla 24b אין מורידין לפני התיבה לא אנשי בית שאן ולא אנשי בית חיפה ולא אנשי טבעונין מפני שקורין לאלפין עיינין ולעיינין אלפין. Die Bewohner von Beth Schean, von Beth Chepha, von Tibeon eignen sich nicht zum Vorbeten, weil sie 'א als 'ע und 'ע als 'א aussprechen. Diese Aufzeichnung ist nicht genau, da wohl die Aussprache des 'ע, nicht aber die des 'א Schwierigkeiten bereitete. Richtiger lautet der Text Jer. Berachot 4d אין מעבירין לפני התיבה לא חיפנין ולא בשנין ולא טבעונין מפני שהן עושין היהין חיתין ועיינין אלפין. Die Bewohner dieser Orte sprechen 'ה wie 'ח und 'ע wie 'א. Dieses Verbot kann hinlänglich begründet werden כשאתה מגיע אצל וחכיתי לה' לא נמצאת מחרף ומגדף. wenn du anstatt ich hoffe auf den Ewigen (Jes. VIII, 16) liesest ich schlage auf den Ewigen, lästerst du da nicht Gott? (Bab. Megilla 24b).

Eingehender werden die Gefahren des unrichtigen Lesens in Lev. R. XIX, 2 (ed. Wilna 26b) geschildert. Durch die Verwechslung von 'ד und 'ר, von 'ה und 'ח, von 'ב und 'כ kann die Zerstörung der Welt heraufbeschworen werden. Wenn du statt: der Ewige ist ein einziger Gott אחד (Deut. VI, 4) liesest "ein fremder Gott" אחר, statt "bücke dich nicht vor einem fremden Gott" (Ex. XXXIV, 14) liesest "vor dem einzigen Gott," statt "sie sollen nicht entweihen (יחללו) meinen heiligen Namen" (Lev. XXII, 2) liesest "sie sollen nicht preisen" (יהללו), statt "alles Beseelte preise Gott" תהלל (Ps. CL, 6) "entweihe Gott" (תחלל),

Verwechslung von 'ה nit 'ח annehmen, also אהרן's mit אחרן. Für משה lässt sich am einfachsten voraussetzen, dass Kinder statt שׁ (sch) eher שׂ (s) aussprechen, also statt משה vielleicht מַשָּׂא den Namen von Ismaels Sohn Gen XXV, 14, I Chron, I, 30. Für עפרן ist ebenfalls nach Jer. Berachot 4d, Bab. Meg. 24b an Verwechslung von 'ע mit 'א also vielleicht von עפרן mit אפרים zu denken.

[20] Zur Verwechslung von אהבה mit איבה zu vergleichen Bab. Sanh. 29a קרי ביה הכי והוא לא אויב לו ולא אוהב לו (Num. XXXV, 23) והוא לא איב לו.

statt “sie sind falsch gegen Gott” כחשו בה' (Jirm. V, 12) liesest “falsch wie Gott” כה', statt “sie handeln treulos gegen Gott” בה' בגדו, (Hos. V, 7) “treulos wie Gott” כה', statt “Nichts ist heilig wie der Ewige” כה' (I Sam. II, 2) “nichts Heiliges ist am Ewigen,” -בה',—wirst du da nicht die Welt zerstören?[21]

Um so beachtenswerter scheint die Nachsicht, welche das Sefer Chassidim selbst hier übt. Wohl wird auch da eingeschärft, statt אחד ja nicht אחר zu lesen. Doch wer es nicht besser vermag, dem wird selest wenn er statt מהולל “gepriesen” מחולל “entweiht” ausspricht, dennoch seine gute Absicht eingerechnet.[22]

Für seine nachsichtige Anschauung weiss das *Sefer Chassidim* auch eine Geschichte anzuführen. Ein Kohen sprach den Priestersegen fehlerhaft, statt וישמרך, Gott schültze dich, sagte er וישמדך, Gott vernichte dich. Ein frommer Gelehrter wollte nicht gestatten, dass der Kohen den Segen spreche, da ja zum Vorbeten und zum Priestersegen nicht zugelassen werden soll, wer ה' und ח' oder ד' und ר' nicht unterscheiden kann. Da hatte er (der Gelehrte) eine Traumerscheinung, man werde ihn (den Gelehrten) aus dem Paradies verjagen, wenn er den Kohen nicht den Priestersegen sagen lässt, denn in seinem Herzen meine er ja dennoch: “Gott schütze dich.” Er lässt den Kohen wieder seines Amtes walten.[23]

Hier geht das *Sefer Chassidim* über das halachisch Zulässige und das haggadisch Bezeugte weit hinaus. Die Erzählung erinnert an die kirchliche Legende vom Priester, der nur eine Messe weiss, von seinem Bischof abgesetzt und durch das Eingreifen Marias wieder eingesetzt wird. (S. oben S. 4) Da sich im *Sefer Chassidim* vielfach christliche Einwirkung unzweifelhaft nach-weisen lässt,[24] dürfen wir voraussetzen, Juda der Fromme oder seine Umgebung habe eine christliche Legende ins Jüdische übertragen.

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[21] Der מדר' עשרת הדברות führt ebenfalls mehrere dieser Beispiele an und füght noch eines hinzu נפשנו חכתה לה' (Ps. XXXIII, 20).

[22] Das *Sefer Chassidim* beruft sich auf den Satz באהבתה תשגה תמיד (Prov. V, 19), den es also in dem Sinne deutet: wenn du nur Gott liebst, darfst du getrost irren, ähnlich wie sich auch Resch Lakisch auf diesen Vers beruft, als er im Gedanken an die Gotteslehre die Sabbatgrenze überschreitet. Jer. Berachot IV, S. 9a.

[23] *Sefer Chassidim*, Berlin 1891, S. 125, N. 424.

So lässt sich für die meisten der angeführten christlichen oder muhammedanischen Legenden Entsprechendes im jüdischen Schrifttum finden. Ganz ohne Analogie bleibt auch die reizende Legende vom Tänzer Marias und auch der Pfiff des Saidi-Bu-Sammara nicht. Im jüdischen Volksmund lebt eine Ueberlieferung von einem einfältigen Frommen, der kein Gebet weiss, sonddern Gott zu Ehren über einen Graben springt. Auch eine Legende vom Baalschem mag hier erwähnt werden. Während des Ne'ila-Gebetes pfeift ein Knabe, der Vater des Kindes ist bestürzt, doch der Baalschem ruft aus: נקרעה הגזירה, zerrissen ist das böse Verhängnis.[25]

Die besprochenen christlichen, jüdischen, muhammedanischen Legenden weisen mannigfache Beziehungen, mannigfache Verwandtschaft auf. Das einfältige Gebet des Hirten im Buche der Frommen kehrt in der muhammedanischen Litteratur mehrfach wieder. Die muhammedanischen Legenden gehören dem Kreise der Isra'ilijjat an; allerdings beweist dies noch keineswegs ihren israelitischen Ursprung; es mag auch nur so viel heissen, dass diese Erzählungen sich auf die Vorzeit beziehen oder dass sie Märchenhaftes berichten.[26] Die Legende von Ssidi-Bu-Sammara, der wunderbarerweise über die Fluten schreitet, um die vergessene religiöse Belehrung zu erkunden, erinnert an die kirchlichen Legenden vom Einsiedler, der vergessen, wie sein irriges Gebet berichtigt wurde. Die christliche Legende vom Priester, der wieder in sein Amt eingesetzt wird, trotzdem er nur eine Messe kennt, wird an Kühnheit noch überboten durch die Legende, die einen Kohen zum öffentlichen Priestersegen zulässt, trotzdem er eigentlich flucht und nicht segnet.

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[24] Dies kommt im Buche selbst ganz bewussterweise zum Ausdruck: כי כל עיר ועיר כמנהג הגוים כן מנהג היהודים (S. 321, N. 1301); hier haben wir also schon die Formulierung des Satzes: wie es sich christelt, so jüdelt es sich.

Das ס' חסירים ist wohl von den abergläubischen Vorstellungen des europäischen Mittelalters überwuchert—jedoch stets dringt der Grundgedanke durch: Alles kommt auf die Gesinnung an, Frömmigkeit gilt mehr als Gelehrsamkeit. S. z. B. S. 245, (995), 279 (1093), S. 357 (1475, 1476). So bekennt der Verfasser von sich selbst כי לא חכם בחכמים אני כי אם תלמיד ליראים, Ich bin kein Gelehrter unter den Gelehrten, sondern ein Jünger der Gottesfürchtigen. (S. 40, N. 38).

[25] Martin Buber, *Die Legende des Baalschem*, Frankfurt a. M., 1918, S. 18, 19.

[26] Ueber diese zweifache Bedeutung der Isra'illijat, s. Goldziher, *R E J*, 1902, XLIV, 63–68.

Dieser Typus der Legende hat sich am reichsten in der kirchlichen Litteratur entwickelt, nicht nur reich, sondern auch kunstvoll. Doch der Gedanke, der diesen Legenden zu Grunde liegt, dass es beim Gebet auf die Gesinnung ankommt, lässt sich bis zur alten jüdischen Ueberlieferung verfolgen. Und wenn R. Acha lehrt, Gott nehme das andächtige Gebet wohlgefällig auf selbst wenn es irrtümlich lautet: hasse den Ewigen,—so ist damit ein Höhepunkt edlen, kühnen Verständnisses für fromme Einfalt erreicht, der nicht überschritten werden kann.

II. Der Gefährte im Paradies.

Sagengeschichtlich und litterarisch höhere Bedeutung kommt jenen Legenden zu, die wenn sie auch oft den Begriff oder die Bezeichnung vom Paradiesesgefährten noch nicht kennen, dennoch in den Kreis der Erzählungen vom Gefährten im Paradies gehören. Viele dieser Erzählungen zeigen nur Ansätze zur Bildung dieses Typus. Der vollkommen ausgebildete Legendentypus weist folgende wesentliche Bestandteile auf: Ein von Beruf frommer Mann (Moses, David, R. Eliezer, R. Josua, Abbai, Raba, Raschi, ein Gelehrter, Rabbiner, Kaiser Otto, ein Bischof, Priester, Mönch, Einsiedler, Heiliger) möchte das Mass seines Verdienstes (seinen Lohn im Jenseits, seinen Platz im Paradies, seinen Genossen im Paradies) kennen lernen. Eine göttliche Erscheinung setzt ihn einer weltlichen Person gleich, die sittlich anscheinend tief unter ihm steht (einem König, einem Stadtvogt, einem Kaufmann, einem Gärtner, einer anscheinend blöden Jungfrau, einem Holzhauer, einem Gerber, einem Metzger, einem Jäger, einem Barbier, einem Dirnenwärter, einem anscheinend zuchtlosen Jüngling, einem Wegelagerer). Der Fromme oder Heilige entrüstet sich über diese Gleichsetzung, wird durch eine zweite göttliche Erscheinung ob dieser Selbstüberhebung gerügt. Er sucht den ihm Gleichgestellten auf, erfährt, dass der sittlich anscheinend Niedrige sich durch eine hohe Tugend auszeichnet (durch Ehrung der Eltern, Friedfertigkeit, Mildtätigkeit, Gerechtigkeit im Urteil, Zartsinn, Lebensrettung, Keuschheit in der Ehe, Auslösung der Gefangenen, Selbstverläugnung, Verzicht auf die geliebte Braut). Da priest sich der dünkelhafte Fromme glücklich, die Seligkeit des ihm Gleichgestellten teilen zu können.

Ich habe diesen Legendentypus bereits ausführlich behandelt, in *Revue des Etudes juives*, 1908, LVI, S. 198–221. Ich möchte keineswegs wiederholen, was dort gesagt worden. Manches aber, was ich nachträglich über diesen Gegenstand erfahren,[27] manches auch, das seither veröffentlicht worden, veranlasst mich 1) die dortige Stoffsammlung zu ergänzen, 2) die bisher nachgewiesenen Fassungen der Legende kurz zu überblicken, 3) das dort geäusserte Urteil über den Ursprung und die Verbreitung der Legende einer Neuprüfung zu unterziehen.

A. Ergänzende Stoffsammlung.

1. DIE INDISCHE LEGENDE VOM JÄGER UND BRAHMANEN.

Ein Brahmane versenkt sich in die Veden und vernachlässight darüber Vater und Mutter. Wie er Almosen sammelt, nimmt ihn eine fromme Frau ehrerbietig auf, doch da mittlerweile ihr Gatte nach Hause gekommen, bedient sie zuerst diesen und wendet sich erst dann dem Brahmanen zu. Dieser erglüht vor Zorn. Die fromme Frau beschwichtigt ihn, deckt wunderbarerweise eine geheime Sünde des Brahmanen auf, hält ihm vor, dass er, obleich verehrungswürdig, rein, dem Studium ergeben, doch die Tugend in ihrem wahren Wesen nicht kenne. Sie weist ihn nach Mithila‘ zum frommen Jäger. Der Brahmane folgt betroffen. Der Jäger empfängt ihn wieder wunderbarerweise als einen, den er erwartet. Der Brahmane macht ihm Vorstellungen, wie er diesen (vom Buddhismus als Sünde verpönten) Beruf eines Jägers ergreifen konnte. Der Jäger erzählt, wie ihn die

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[27] Dankbar muss ich der Belehrung gedenken, die mir der seither verewigte René Basset aus Anlass meines Aufsatzes hat brieflich zukommen lassen.

Freundschaft mit dem König zur Jagd verleitete; entschuldigt sich aber, dass er selbst nie ein Tier erschlage, sondern nur das von anderen erlegte Wild verkaufe. Dann führt er seinen Gast in die herrlich geschmückte Wohnung, wo seine Eltern in Wohlstand, Pracht und Ehre leben. Er wirft sich ihnen zu Füssen, wäscht sie, nährt sie, spricht und handelt, wie es ihnen genehm. Dann verkündet er dem Brahmanen, dass seine Eltern erblindet sind, aus Kummer darüber, dass ihr Sohn sie, den Veden zulieb, verlassen. Der Brahmane, über die rechte Tugend belehrt, kehrt zu seinen Eltern zurück.[28]

Benfey weist mit Recht auf die Verwandtschaft dieser Geschichte mit der Erzählung von R. Josua b. Illem und dem Metzger Nannos hin. Diesem R. Josua ward offenbart, dass ihm ein Teil am Paradies mit dem Metzger Nannos beschieden ist. Der Rabbi, der nie vier Ellen ohne Gebetriemen, ohne Gebetmantel geht, der 80 Schüler erzogen, entrüstet sich über diese Gleichsetzung. Als er aber erfährt, dass dieser Metzger täglich seine Eltern kleidet, wäscht, dass er ihnen das Essen reicht, umarmt er ihn und priest sich glücklich, ihm gleichgestellt zu werden.[29]

2. Hebriäsche Legenden.

Der Zuchtlose Jüngling. Ein Frommer erbittet sich einen Traum, in welchem ihm offenbart werde, wer neben ihm im Paradies sitzen wird. Der Traum verweist ihn auf einen Jüngling, der in einem fernen Orte wohnt. Als unser Frommer dort ankommt und nach dem Jüngling fragt, wundert sich alle Welt, was ein so würdiger Rabbi mit einem so ausschweifenden, zuchtlosen Jüngling zu tun haben könne. Der Fromme grämt sich darüber, sucht aber den zum Gefährten Bestimmten trotzdem auf. Der Jüngling fährt den Rabbi roh an, schlägt ihn ins Gesicht, reisst ihm die Kleider vom Leib, macht sich mit seinen Zechgenossen lustig über ihn, stösst ihn in ein Nebengemach. Hier kann der Fromme beobachten, wie der Jüngling die Dirnen der Stadt versammelt, ihnen zu trinken gibt, vor ihnen tanzt, bis sie einschlafen. Da weint der Rabbi, dass ein solcher Frevler ihm zum Genossen beschieden ist. Morgens will er wegeilen, doch ehe er aufbricht, fragt er den Jüngling, ob er vielleicht in seinem früheren Leben Gutes getan, denn sie sind einander als Gefährten im Paradies bestimmt. Da klärt ihn der Jüngling auf: "Alles, was ich tue, geschieht, um Unsittlichkeit zu verhüten. Ich stelle mich zuchtlos, darum teilen die ausschweifenden Männer es mir mit, wenn sie eine Dirne mieten; ich biete den Mädchen mehr, sie kommen zu mir, dann tritt meine Mutter hinein, zaust mich beim Haar, damit ich vor den Dirnen entschuldigt sei, dass ich ihnen nicht nahe. Derart hintertreibe ich es, dass die Mädchen der Unzucht verfallen. Um meinen Leumund kümmere ich mich nicht; allen, die mich verdächtigen, vergebe ich.[30]

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[28] *Mahabharata*, nach Th. Benfey, *Germania*, 1867, XII, 311–316.

[29] Die Litteratur siehe bei Gaster, *The Exempla of the Rabbis*, London-Leipzig, 1924, N. 323.

Gottgefälliges Vielessen. Ein Frommer, der seinen Gefährten im Paradiese kennen lernen möchte, wird an einen schlechten Mann gewiesen, der sich von Andern nur darin unterschied, dass er überaus viel ass. Doch dabei leitete ihn eine fromme Absicht. Seinen Vater hatte man qualvolle Schmerzen erleiden lassen, um ihn zu zwingen, dass er seinen Glauben verläugne, doch er blieb standhaft und starb als Märtyrer für Gott. Vor seinem Tode machte er es seinem Sohne zur Pflicht, dass er viel Nahrung zu sich nehme, um zu erstarken und im Notfalle Marter und Foltes zn ertragen. Da er sich mit dem vielen Essen derart fürs Martyrium vorbereitete, musste ihn der Fromme als würdigen Nachbar im Paradiese anerkennen. (M. J. bin Gorion, Der Born Iudas VI, 185, 186 nach *Sippurim nechemadim* 10ab).

Der Fromme von Laodicea. Ein Schriftgelehrter wird durch eine Stimme nach Laodicea gewiesen, zu einem Manne, dem sein Teil im Jenseits gewiss ist. Der Rabbi geht nach Laodicea. Eine Erscheinung weist ihm den Weg zu einem Fleischhändler, der unreines Getier verkauft. Der Schriftgelehrte forscht nach den Verdiensten des Mannes. Dieser will von Verdiensten nicht wissen und gesteht anfangs nur soviel, dass er Reinigungen, Bäder, Waschungen fleissig übe. Damit gibt sich der Rabbi nicht zufrieden. Endlich bekennt er, er habe einer gefährlichen Versuchung widerstanden. Er habe ein Weib leidenschaftlich geliebt, und es habe sich ihm Gelegenheit geboten, diese Leidenschaft zu befriedigen, als der Mann des geliebten Weibes in Gefangenschaft gerät; doch er bietet dem armen Weibe die Mittel, ihren gefangenen Mann auszulösen.[31]

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[30] ס' חסידים, Berlin 1891, S. 53, N. 80.

Der Kaufmann, der mit Unreinem handelt, erinnert an den Jäger der buddhistischen Legende, welcher auch ein verbotenes Gewerbe treibt. Sein Verdienst ist ganz dasselbe als das Verdienst des strahlenbekränzten Nathans (נתן רצוציתא) auf dessen Legende bereits der Talmud Jer. Sabbat 14d, Bab. Sanh. 75a anspielt, die in den Scheeltot des Gaon R. Acha, C. 42, von Raschi Bab. Sanh. 31b kurz zusammengefasst und von Nissim reichlich ausgeführt wird.[32]

R. Simon und der Metzger. R. Simon betete, Gott möge ihm seinen Platz im Paradiese zeigen. Gott zeigt ihm diesen Platz neben einem Metzger. R. Simon ist darüber ganz bestürzt: soll dies der Lohn sein dafür, dass er sich Tag und Nacht der Tora hingibt? Er sucht den Metzger auf, wird gastlich emphangen, forscht nach den Verdiensten seines Gastgebers. Dieser weicht—wie im Typus dieser Legende gewöhnlich—der Frage aus, erzählt ungern, wie er in Armut geboren reich geworden, wie er an jedem Sabbat den Armen seines Ortes und der Umgebung Fleisch verteilt und milde Gaben verschwenderisch spendet. R. Simon ist hiervon nicht befriedigt, er forscht nach einer Grosstat. Der Metzger bequemt sich endlich, die Grosstat seines Lebens zu erzählen.

Der Metzger war zugleich Zahleinnehmer der Stadt. Einst landete ein Schiff und entrichtete ihm den Zoll. Da sagte ihm der Schiffshauptmann: Ich habe einen geheimen Schatz; wenn du ihn nicht sofort kaufst, später verkaufe ich ihn nicht mehr. Bestimme den Preis.—10,000 Goldstücke.—Zeige mir den Schatz.—Jetzt gebe ich ihn schon nur um 20,000 Goldstücke.—Zeige mir doch den Schatz.—Jetzt kostet er schon 40,000. Der Metzger besorgt, der Preis könnte noch steigen, sagt die 40,000

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[31] Nach Midr. Haggadol, Deuter. 77d–78a, angeführt bei Bousset, *A R W*, 1922, XXI, S. 10.

[32] S. die lichtvollen Ausführungen bei Joseph Perles, *Zur rabbinischen Sprach- und Sagenkunde.* Breslau 1873, S. 87–89. Litteraturnachweise bei Gaster, *Exempla of the Rabbis*, N. 333.

Goldstücke zu. Er muss sie erlegen, bevor er den Schatz gesehen. Jetzt erst führt der Kapitän aus den untersten Räumen seines Schiffes 200 Juden hervor, die er gefangen hatte; wenn du sie nicht gekauft hättest, sofort hätte ich sie ins Meer werfen lassen." Der Metzger nimmt sie in sein Haus auf, nährt sie, kleidet sie, pflegt sie und verheiratet die ledigen Männer mit den Mädchen. Eine der Gefangenen, ein besonders anmutiges Mädchen, gibt er seinem Sohne zur Frau. Zum Hochzeitsmahle sind alle Leute des Ortes und auch alle losgelösten Gefangenen geladen. Da merkt der Metzger, wie einer der gefangenen Jünglinge bitterlich weint. Um die Ursache seines Schmerzes befragt, erzählt er, die Neuvermählte sei seine Braut gewesen; für den Tag, an welchem sie in Gefangenschaft fielen, war eben ihre Hochzeit angesetzt. Der Metzger bietet dem Jüngling 100 Goldstücke als Schmerzensgeld an. Der Jüngling weist sie zurück. Da bewegt der Metzger seinen Sohn, sich von dem soeben angetrauten Mädchen zu scheiden. Die einander Angelobten heiraten einander.

Da ruft R. Simon aus: gepriesen sei Gott, der mich würdig findet, neben dir im Paradies zu weilen.[33]

Diese Legende steht in so naher Beziehung einerseits zur ähnlichen Legende vom braven Metzger bei R. Nissim, andererseits zum Guten Gerhard von Rudolph von Ems, dass diese Beziehung hier besprochen werden muss.

In den Ma'assijjot des R. Nissim erzählt der Metzger folgende Grosstat seines Lebens: Vor Jahren ist er einer Schaar Heiden begegnet, die viele Gefangene fortgeschleppt hatten. Unter den Gefangenen befand sich ein jüdisches Mädchen. Der Metzger löst sie los, erzieht sie, verlobt sie seinem Sohne. Am Hochzeitstage bemerkt er, wie ein junger Mann bitterlich weint. Es ist dies der frühere Verlobte der Braut. Vom Metzger überredet, überlässt der Sohn die Braut ihrem früheren Verlobten.[34]

Dem Guten Gerhard von Köln hat der deutsche Dichter Rudolph von Ems (XIII. Jahrh.) ein ganzes Epos gewidmet. Kaiser Otto, stolz auf seine Kämpfe gegen die Heiden, auf die Gründung des Bistums von Magdeburg, fragt von Gott, welcher

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[33] Nach einer Handschrift in Oxford mitgeteilt von Buber in der Einleitung zu seinem Tanchuma, S. 135, 136.

[34] Ausführlicheres s. *R E J*, 1908, LVI, 198, 199.

Lohn ihm beschieden sei. Ein Engel verweist ihn auf den Guten Gerhard von Köln. Kaiser Otto befragt ihn über seine Verdienste. Gerhard aüssert sich ungern über seine Wohltätigkeit; er habe wohl den Armen gespendet, doch gewiss war das Bier sauer, das Brot schwarz, das Kleid abgenützt. Vom Kaiser gedrängt, erzählt er endlich die Grosstat seines Lebens. Einst landete er mit seinem Schiff in Marokko. Stranmur, Land-und Burggraf von Marokko, ist von den Schätzen Gerhards geblendet und zeigt ihm auch seinen eigenen Schatz; 12 junge und 12 ältere englische Ritter, 15 Christinnen, die alle vom Sturme an die Küste von Marokko verschlagen in Stranmurs Gefangenschaft geraten waren. Stranmur bietet dem Guten Gerhard an, ihre Schätze auszutauschen. Gerhard schwankt,—geht es ja um sein Vermögen, um 50,000 Goldmark. Von einem Engel angeeifert, schliesst er doch den Handel ab. Die eine der Gefangenen erzieht Gerhard bei sich und will sie seinem Sohne vermählen. Am Hochzeitstag erscheint der frühere Bräutigam. Der junge Gerhard entsagt. Irene wird ihrem Verlobten angetraut.[35]

Als Reinhold Köhler auf die Uebereinstimmung dieser Dichtung mit der Legende vom frommen Metzger bei R. Nissim hinwies,[36] verstummte jeder Zweifel. Nun scheint es mir augenfällig, dass die Legende von R. Simon mit dem Metzger in noch viel näherer Beziehung zum Guten Gerhard steht. Hier zeigt sich die Uebereinstimmung auch in minder wesentlichen, also um so eher beweiskräftigen Zügen: die Gefangenen werden als geheimer Schatz dargestellt, für die der Befreier sein Vermögen zu opfern zaudert und schliesslich doch opfert. Bei Rudolph von Ems löst der Schiffskapitän die Gefangenen los, in Legende von R. Simon werden sie aus den Händen des Schiffskapitäns befreit. Auch hier scheint die jüdische Legende das Ursprüngliche bewahrt zu haben. Ursprünglich und urwüchsig erscheint ferner die Art des Handels; der Pirat zeigt seinen Schatz, fordert einen hohen Preis, dann das Zweifache, gar bald das Vierfache.[37]

Dieser Zusammenhang zwischen der Legende von R. Simon mit dem Guten Gerhard soll bei dem Versuch einer Geschichte der Legende berücksichtigt werden.

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[35] Ausführlicheres *R E J*, 1908, LVI, S. 199.

[36] *Germania*, 1867, XII, 55–60; *Kleinere Schriften* I, 32–39.

[37] Erinnert an die Art, wie die Sibylle ihre Bücher dem Tarquinius Superbus verkauft.

2. Christliche Legenden.

Auch das bisher schon überaus reiche Kapitel[38] der kirchlichen Legende vom Gefährten im Paradies bleibt zu ergänzen.

René Basset belehrte mich (brieflich), dass im arabisch-jakobitischen Synaxarium einem dünkelhaften Anachoreten offenbart wird, wie sein Verdienst von einem einfachen Manne überstrahlt ist.

Aus Wilhelm Boussets Stoffsammlung möchten wir folgende zwei Legenden ergänzen.

In enem Kloster lebte ein frommer Mönch, der inbrünstig betete, der Herr soll ihm die Güte zeigen, die er denen bereitete, die ihn lieben. Da schlief er auf seinem Lager ein, und sein Geist wurde ins Paradies entrückt. Er kommt in einen schönen Garten mit wunderbaren Baümen und herrlichen Früchten. Da sieht er mitten in diesem Garten den einfältigen Koch seines Klosters, Euphrosynos, stehen. Er fragt: Wer hat dich denn hergebracht, und erhält zur Antwort: Der auch dich herbrachte. Darüber verwundert er sich. Er selbst sei doch Priester, und zwar einer von den hervorragenden, er habe sich in saurer Mühe mit Fasten, Waschen und Gebet den Eintritt errungen. Aber von Euphrosynos muss er hören, dass dieser, obwohl unwissend und sogar der Schrift unkundig, mit leichter Mühe hierherkomme, ja nicht nur vorübergehend, sondern immer hier als Wächter des Gartens weile. Der Priester erbittet sich dann drei köstlich duftende Aepfel. In dem Augenblick ertönt das Schlagholz, das die Brüder zum Gebet ruft. Der Priester erwacht und findet die Aepfel in seinem Mantel. Er eilt in die Küche zu Euphrosynus und stellt fest, dass dieser von allem weiss, was ihm widerfuhr, er also gleichzeitig im Paradeis gewesen sein muss. Nun verkündet der Priester den versammelten Brüdern, welchen Schatz das

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[38] S. *R E J*, 1908, LVI, 202, vorzüglich aber Gordon Hall Gerould, *The Hermit and the Saint in Publications of the Modern Language Association of America*, Vol. XX, New series, vol. XIII, Baltimore, 1905, S. 529–545.

Kloster in Euphrosynus birgt. Die Aepfel lassen Kranke genesen, Euphrosynus verschwindet.[39]

Einer von den Vätern bat Gott, er möge ihm zeigen *εἰς ποῖον μέῖρον ἔφθασε*, welches Mass er erreicht habe. Er bekommt die Offenbarung, in dem und dem Kloster sei ein Bruder, der noch besser sei als er. Er begibt sich in jenes Kloster und lässt sich dem Bruder vorstellen. Die Mönche schildern ihren Genossen als einen Einfaltspinsel, der nur zu Gartenarbeiten tauge. Durch weitere Nachforschungen stellt er fest, dass jener Bruder Jahre hindurch in schweigendem Gehorsam die Misshandlungen seines Abtes erduldet hat.[40]

L. Karl aus Budapest hat in der *Revue des langues romanes*, 1925, LXIII, L. 110–141, La Légende de l 'Ermite et le Jongleur (die Legende vom Einsiedler und Spielmann) herausgegeben und der Ausgabe eingehende Bemerkungen zur Geschichte der Legende beigefügt.

In dieser altfranzösischen Legende vom XIII Jahrhundert wird ein Einsiedler für seine Gottesergebenheit dadurch belohnt, dass ihm ein Engel seine Nahrung zuführt. Deswegen überhebt er sich und mochte wissen, wer sein Gefährte im Paradies sein werde. Sein Engel kündet ihm; jener Spielmann. Der Stolz des Einsiedlers bäumt sich dagegen, dass ein Jongleur, der von Schenke zu Schenke läuft, ihm gleichgesetzt werde. Doch vom Engel zurechtgewiesen sucht er den Spielmann auf. Dieser Spielmann liebt Gott, fürchtet das jüngste Gericht, betet, fastet, kasteit sich, übt sein Handwerk mit Widerwillen. Der Einsiedler rügt ihn wegen seines Berufs. Der Spielmann gesteht zerknirscht, er sei jedes Verdienstes bar und vertraue bloss auf Gottes Gnade. Er entschuldigt sich, er müsse seine Beschäftigung fortsetzen, um die Seinigen zu ernähren. Dann erzählt er sein Vorleben. Er war Hauptmann einer Räuberbande. Einst fiel eine Nonne in seine Hände, er schützte sie vor seiner Bande und schickte sie ins Kloster zurück. Einmal begegnete er einem Weibe, welches ihren Mann und ihren beide Söhne beklagte, die alle drei von einem harten Glaübiger in Gefangenschaft geworfen werden. Der Räuberhauptmann kaufte die Gefangenen frei. Dann sagte er sich los vom Brigantentum und wurde Spielmann. Der Einsiedler muss bekennen, dass die Taten des Jongleurs alle Verdienste überwiegen, welche er selbst durch eine Askese von 30 Jahren erworben. Er verkündet ihm die göttliche Botschaft, dass sie Genossen im Paradiese sein werden. Der Spielmann schliesst sich dem Einsiedler an, folgt ihm zu seiner Klause, doch diese ist verschlossen, zur Strafe für die Selbstüberhebung des Einsiedlers. Durch eine Busse wird wohl dieses Vergehen gesühnt, dennoch tritt der Spielmann früher ins Paradies ein, dann erst folgt ihm der Einsiedler.

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[39] *A R W*, 1922, XXI, 2.

[40] *A R W*, 1922, XXI, S. 13).

Hier haben wir die Vergröberung der schönen altkirchlichen Legende vom Heiligen Paphnutius und dem Spielmann,[41] eine mittelalterliche Bearbeitung, die wir ausführlicher mitgeteilt haben, weil hier der Begriff vom Gefährten im Paradies schon scharf hervortritt.

Auch noch eine Variante der Legende vom grünenden Stabe des bussfertigen Räubers gehört in diesen Kreis. In dieser Fassung wird der reuige dem dünkelhaften Waldbruder gegenüber gestellt.

Ein Einsiedler wird täglich durch den Besuch seines guten Engels ausgezeichnet. Einmal wird er wegen seiner Misstimmung damit gestraft, dass der Engel seine Besuche einstellt. Zur Busse muss er täglich dreimal, morgens, mittags und abends seinen in die Erde gesteckten dürren Stab begiessen mit dem Wasser, das er in seinem Munde aus einem nahen Bache bringen muss. Wenn der Stab wieder grünt, wird auch der Engel seine Besuche wieder aufnehmen. Ein sündenbeladener Wegelagerer beobachtet das Treiben des büssenden Waldbruders und von Reue ergriffen pflanzt auch er seinen Stab in die Erde und begiesst ihn ebenso. So leben sie eine Weile nebeneinander, der Einsiedler ungeduldig erwartend, dass sein Stab früher aufblühen werde als der des einstigen Räubers, der Wegelagerer in stiller Entsagung. Da grünt nun zuerst der Stab des Reumütigen, ein Engel kommt und bringt ihn in den Himmel. Der Stab des Waldbruders grünt erst später, weil seine Reue und sein Schmerz langsamer kamen als beim Wegelagerer.[42]

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[41] Ueber die Paphnutius-Legende s. *R E J*, 1908, LVI, 204.

3. Muhammedanische Legenden.

Der feuerfeste Schmied. Ein frommer Mann hört von einem Schmied, dem das Feuer nichts anhaben kann. Er sucht ihn auf, findet aber an seinem Wandel nichts Gottgefälliges, wodurch sich die besondere Auszeichnung des Schmiedes erklären liesse. Endlich erzählt ihm der Schmied, er habe, als ein leidenschaftlich geliebtes Mädchen in aüsserster Not sich ihm preisgeben wollte, seine Leidenschaft bewältigt; darum habe ihn das Mädchen gesegnet, dass ihm das Feuer weder in dieser noch in der zukünftigen Welt etwas anhaben könne.[43]

Der Mann mit der Wolke. Ein frommer Israelit lebt als Muster der Tugend. Dafür wird er durch eine Wolke ausgezeichnet, die ihn, als Führer, Schirm und Krug, stets begleitet. Zufolge einer Nachlässigkeit im Dienste Gottes bleibt eines Tages die Wolke weg. Eine Traumerscheinung verkündet ihm, das Gebet eines gewissen Königs könne ihm seine Wolke zurückerwerben. Da er nun nicht mehr von seiner Wolke geleitet wird, kommt er schwer zum König, den er endlich in prächtiger Umgebung, von Dienerschaft umringt findet. Er begreift nicht, wie sich dieser Prunk mit der Demut der Gottanbetung verträgt. Der König begrüsst ihn sofort als den Mann mit der Wolke. Nachdem er die Staatsgeschäfte im Prunksaal erledigt, führt er seinen Gast in sein eigenes armseliges, verfallens Wohngemach. Nur um inneren Wirren vorzubeugen, hat der König den Thron seiner Ahnen bestiegen. Am Tage beschäftigt er sich mit den Reichsgeschäften. Dann aber verbirgt er mit seiner Frau sich vor den Augen der Welt. Die Nacht hindurch fasten, beten und arbeiten sie; sie nähren sich nur von dem Ertrage dieser Arbeit.

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[42] Luzel, *Légendes chrétiennes de la Basse Bretagne*, Paris 1881, I, 204–209, angeführt von Saintyves, *Essais de Folklore biblique*, Paris 1923, S. 80, im grossartigen Kapitel: La verge fleurie d'Aaron ou le bâton sec qui reverdit. S. noch Grimm, *Kinder- und Hausmärchen*, 206: Die drei grünen Zweige, und Bolte-Polivka, *Anmerkungen zu den Kinder- u. H. M.* III, 463–471.

[43] S. Perles, *Zur rabbinischen Sprach- und Sagenkunde*, S. 85; Chauvin, *Bibliographie*, VI, 188, 189.

Auf das Gebet des Königs und der Königin erhält der Mann seine Wolke wieder.[44]

Gaster hat die Abhängigkeit dieses Märchens in 1001 Nacht von der Legende Abba Chilkijas (Bab. Taanit 23ab) glänzend nachgewiesen. Einen wesentlichen Zug kann natürlich die Erzählung vom armen Abba Chilkija nicht aufweisen; die Askese des königlichen Paares, die eigentlich weder zur jüdischen noch zur muhammedanischen Lebensanschauung so richtig passt. Dies scheint eher ein buddhistischer oder ein christlicher Zug. Tatsächlich findet er sich noch verstärkt in einer lateinischen Erzählung, welche Reinhold Köhler im *Jahrbuch fur romanische Litterature* 1870, II, 231, mitgeteilt hat.[45] Auf die Tafel des Königs kommen zwar Fleischspeisen und leckere Gerichte, doch der König rührt sie nicht an, sondern verteilt sie an die Armen, während er selbst sich mit armselig zubereitetem Gemüse begnügt. Ein scharfes Schwert trennt die königlichen Bettgenossen, sein fleischliches Gelüsten kühlt der König in kaltem Wasser.

Jakob und der Araber. Als Joseph der Sklave Kutīfāss (=Potiphars) wurde, war eben ein Araber aus Kanaan anwesend. Dieser Araber kennt "den Baum welcher in der Erde wurzelt doch dessen Wipfel in den Himmel reicht, dem zwölf Zweige entsprossen und den die Engel umschweben," d. h. er kennt Jakob und seine Söhne. Joseph lässt seinem Vater sagen, dass die Thränen das Muttermal auf seiner rechten Wange weggeschwemmt haben. Der Araber überbringt diese Botschaft zur nächtlichen Stunde, wo die Tore des Himmels sich öffnen und die Engel der Gnade herabsteigen. Aus Dankbarkeit erwirkt Jakob für den Araber, der ihm Botschaft von Joseph brachte, reichen Kindersegen und erfleht für ihm, dass er sein (Jakobs) Gefährte im Paradies werde. (Al-Kis'ai, *Vita prophetarum*, ed. Eisenberg,) Leiden 1922, 161, 162.

Die folgenden Ergänzungen verdanke ich der brieflichen Mitteilung von weiland René Basset.

Moses findet seinen Paradiesesgefährten im Fleischhauer Jakob, der seine Eltern ehrt. Diese Legende, welche M. Grünbaum (*Neue Beitrage*, 291) nach dem Arabisch-Spanischen der Moriscos mitteilt, hat René Basset auch im Arabischen gefunden, im *Munadschat-Mussa*, (Beyrut, s.a.), nur dass hier weder der Metzger noch seine Heimat (Madazai) genannt wird. Die spanisch- arabische Legende im aljamiado führt Basset auf das XV. oder XVI. Jahrhundert zurück.[46]

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[44] Gaster, *M G W J*, 1880, XXIX, 215–225, Chauvin, *Bibliographie.* VI 189, .90.

[45] R. Köhler, *Kleinere Schriften*, II, 442. 443.

David und sein Genosse im Paradies. Eine Legende über David und seinen Paradiesesgefährten teilt Weil mit in seinen *Biblischen Legenden der Muselmänner*, Frankfurt a. M. 1845, 220–224. René Basset weiss noch eine hinzuzufügen. David, wie er die Psalmen singt, hält sich für den frömmsten der Menschen. Gott zeigt ihm einen Landwirt, der seit hundert Jahren Busse tut ob einer kleinen Sünde, die er eigentlich gar nicht begangen hat (Qualjubi, Nawādir, 19).

Die Negerin. In einer muhammedanischen Ueberlieferung wird dem frommen Abd al-Uschid ibn Zeid eine Negerin zur Paradiesesgenossin zugeteilt.[47]

Nach diesen Ergänzungen versuchen wir nun die bisher nachgewiesenen indischen, jüdischen, christlichen, muhammedanischen Abarten unseres Legendentypus zu überblicken.

B. Liste der Legenden vom Gefhärten im Paradies.

Folgende Liste erstreckt sich nicht nur auf die Legenden, welche klar vom Paradiesesgefährten sprechen, sondern grossenteils auch auf Erzählungen, welche Ansätze zur Bildung dieses Legendentypus aufweisen. In der Zusammenstellung wird angeführt: a) der dünkelhafte Fromme, b) der demütige Fromme, c) das Verdienst des Demütigen, d) die Fundstelle der Legende, e) die Zeit ihrer Aufzeichnung.

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[46] Auch sonst wird Mosis Stolz in der muhammedanischen Legende gedemütigt. Moses tut sich auf seine Weisheit viel zugute, da wird ihm kund, dass ihn Chadhir (Chidhr) an Weisheit übertreffe, Friedlaender, *Die Chadhirlegende und der Alexanderroman*, Leipzig, 1913, S. 97 Anm. 4.

[47] Ueber den von Gott geliebten Neger s. Chauvin, *Bibliographie*, VI, 186, 187.

I. *Indish-Buddhistishe Legende:*

1) *Der Jäger und der Brahmane.*
a) Ein Brahmane, b) ein Jäger, c) Verehrung der Eltern, Reinheit des Lebens, d) Mahabbarata, e) Jahrtausend v. Chr.

II. *Jüdische Legenden:*

2) *Pentakakos, der fünffach Sündige.*
a) Rabbinen, b) Dirnenwärter, c) Gefangenenbefreiung, d) Jer. Taanit 64bc, e) IV. Jhdt.

3) *Die abgewehrte Pest.*
a) Der Amoräer Rab, b) Einer aus der Menge, c) Borgt Spaten und Haue zum Begräbnis, d) Bab. Taanit 21b, e) VI. Jhdt.

4) *Die abgewehrte Feuersbrunst.*
a) Der Amoräer Rab Huna, b) Ein einfaches Weib, c) borgt Feuer den armen Nachbarn, d) Bab. Taanit 21b, e) VI. Jhdt.

5) *Das Regengebet.*
a) Der Amoräer Rab, b) Ilfa, c) Spendet Wein zum Sabbateingang und Sabbatausgang, d) Bab. Taanit 24a, e) VI. Jhdt.

6) *Weiteres Regengebet.*
a) Der Amoräer Rab, b) Ein Schulmeister, c) Uebt Rücksicht mit den armen Schülern, d) Taanit 24a, e) VI. Jhdt.

7) *Häufigere Verheissung der ewigen Seligkeit.*
a) Die Amoräer Abbai und Raba, b) Barbier-Schröpfer, c) Keuscheit, Zartsinn, Mildtätigkeit, d) Bab. Taanit 21b, 22a, 2) V. Jhdt.

8) *Der Prophet Elijahu auf dem Platze von Be Lefet.*
a) Der Amoräer Beroka, b) Ein Gefängniswärter, zwei Spassmacher, c) Keuschheit, Erheiterung der Betrübten, Friedenstiften, d) Bab. Taanit 22a, e) V. Jhdt.

9) *Der edle Metzger.*
a) Ein frommer Gelehrter, b) ein Metzger, c) Gefan-

genenlösung, Abtreten der Braut, d) R. Nissim, e) XI. Jhdt.

10) *R. Josua ben Illem* (in Gasters *Exempla*, 323 Josua ben Levi) *und Nannos.*
    a) Ein frommer Gelehrter, b) ein Metzger, c) Elternverehrung, d) R. Nissim, e) XI. Jhdt.

11) *Das glänzende Paradieseshemd.*
    a) Die Tannaiten R. Eliezer und R. Josua, b) Joseph der Gärtner, c) Verteilt die Hälfte seiner Habe an Arme, d) R. Nissim, e) XI. Jhdt.

12) *Der Fromme von Laodicea.*
    a) Ein Schriftgelehrter, b) Verkäufer von unreinen Tieren, c) Bezähmte Leidenschaft, Gefangenenauslösung, d) Midrasch Haggadol Deut. 77d 78a, e) XIII. Jhdt.

13) *Der Jüngling im Rufe der Zuchtlosigkeit.*
    a) Ein Frommer, b) Ein übel beleumundeter Jüngling, c) Verhütet Unzucht, d) *Buch der Frommen*, S. 53, Nr. 80, e) XIII. Jhdt.

14) *Der ungekannt gekaufte Schatz.*
    a) R. Simon, b) Metzger, c) Löst Gefangene um den Preis seines Vermögens, tritt die Braut ab, d) Oxforder Handschrift, Bubers Einleitung zum Tanchuma S. 135, 136, e) Spätes Mittelalter.

15). *Raschi in Spanien.*
    a) Raschi, b) Don Abraham b. Gerson aus Barcelona oder Nagdela, c) Dienst der öffentlichen Angelegenheiten, d) *R E J*, 1908, LVI, 209, 210, e) Neuzeit.

16) *Gottgefälligas Vielessen.*
    a) Ein Frommer, b) Ein Vielesser, c) Krätfesammeln zum Martyrium, d) *Sippurim nechemadim*, e) Neuzeit.

III. *Christliche Legenden:*

17) *Das keusche Ehepaar.*
    a) Zwei Priester, b) Der Hirt Eucharistias und sein Weib, c) Keuschheit in der Ehe, Mildtätigkeit, d) Migne, *Patrologia latina*, LXXIII, 1006, e) V. Jhdt.

18) *Macarius.*
a) Macarius der Aeltere, b) Zwei Schwägerinnen, c) Eintracht, Bussfertigkeit, d) Migne, *P. L.*, LXXIII, 1013, 1014, e) V. Jhdt.

19) *Die als blöd behandelte Jungfrau.*
a) Der Einsiedler Piteram oder Pyoterius, b) "Der Klosterschwamm," eine Jungfrau, die sich als blöd behandeln lässt, c) Grenzenlose Demut, d) Migne, *P. L.*, LXXIII, 1140, 1141, e) V. Jhdt.

20) *De Tibicine. Der Spielmann.*
a) Der heilige Paphnutius, b) ein Spielmann, c) Hat eine Nonne geschützt, Gefangene befreit, d) Migne, *P. L.*, LXIII, 1170, e) V. Jhdt.

21) *De Protocomite, Vom Stadtvogt.*
a) Der heilige, Paphnutius, b) Stadtrichter, c) Enthaltsamkeit, Gastlichkeit, Gerechtigkeit, d) Migne, *P. L.*, LXXIII, 1171.

22) *De Mercatore*, Vom Kaufmann.
a) Der heilige Paphnutius, b) Ein Kaufmann, c) Verteilt sein Vermögen an Arme, d) Migne, *P. L.*, LXXIII, 1172, e) V. Jhdt.

23) *Der demütige Gerber.*
a) Der selige Antonius, b) Ein Gerber (Schuster) in Alexandrien, c) Demut, d) Migne, *P. L.*, LXXIII, 1038, e) V. Jhdt.

24) *Die Früchte aus dem Paradies.*
a) Ein frommer Priestermönch, b) Der Koch Euphrosynus, c) Demut, d) *A R W*, 1922, XXI, 2, 3, e) Altchristliche Zeit.

25) *Der närrische Klosterbruder.*
a) Einer der Väter, b) Klostergärtner, c) Demut, d) *ARW*, 1922, XXI, S. 13, e) Altchristliche Zeit.

26) *Der Gute Gerhard.*
a) Kaiser Otto, b) Gerhard von Köln, c) Opfert sein Vermögen, um Gefangene zu lösen; lässt seinen Sohn

auf die Braut verzichten, d) Rudolph von Ems, *Der Gute Gerhard*, e) XIII. Jhdt.

27) *Der Einsiedler und der Spielmann.*
a) Einsiedler, b) Spielmann, c) Befreit Nonne, löst Gefangene, d) *Revue des Langues romanes*, 1925, LXIII, 110–141, e) XIII. Jhdt.

28) *Der Stadtrichter von Aquileja* (Variante: Einsiedler und König).
a) Ein Einsiedler, b) Ein Stadtrichter oder König, c) Askese, Keusche Ehe, Krankenpflege, d) R. Köhler, *Kleinere Schriften*, II, 442, e) Spätes Mittelalter.

29) *Der Sprung König Richards.*
a) Einsiedler, b) Richard Löwenherz, c) Bringt mit einem Sprung das Heer der Sarazenen ins Wanken, d) Don Juan Manuel, *El Conde Lucanor*, Exemplo III, e) XIV. Jhdt.

30) *Einsiedler, der Räuber wird und zur Hölle fährt.*
a) Der Einsiedler Paulus, b) Heinrich von Neapel, c) Ehrt seine Eltern, d) Tirso de Molina's Drama: *El condenado por desconfiado*, e) XVII. Jhdt.

31) *Der grünende Stab des bussfertigen Räubers.*
a) Waldbruder, b) Reuiger Wegelagerer, c) Bussfertigkeit, d) Luzel, *Légendes chrétiennes de la Basse Bretagne*, I, 204–209, e) Neuzeit.

IV. *Muhammedanische Legenden:*

32) *Jkaob und der Araber.*
a) Jakob, b) Araber, c) Botschaft von Joseph, d) Al-Kisa'i, *Prophetengeschichten*, e) Neuere Zeit.

33) *Moses sucht seinen Paradiesesgefährten.*
a) Moses, b) Metzger Jakob in Syrien, c) Elternverehrung, d) M. Grünbaum, *Neue Beitrage*, S. 291, e) XV. oder XVI. Jhdt.

34) *Davids Demütigung.*
a) David, b) Landmann, c) Bussfertigkeit, d) Ḳaljubi, Navadir, e) XVIII. Jhdt.

35) *Davids seliges Ende.*

a) David, b) Der Einsiedler Mata ben Juhanna, c) Bussfertigkeit, d) Weil, *Biblische Legenden der Muselmänner*, S. 220–224, e) Zeit unbestimmt.

36) *Der Mann mit der Wolke.*

a) Der Mann mit der göttlichen Wolke, b) König, c) Demut, d) *M G W J*, 1880, XIX, 215–225, e) Zeit unbestimmt.

37) *Der gegen Feuer gefeite Schmied.*

a) Ein Frommer, b) Ein Schmied, c) Bekämpft seine sinnliche Leidenschaft, d) Chauvin, *Bibliographie*, VI, 188, 189, e) Zeit unbestimmt.

38) *Die Negerin.*

a) Der fromme Abdal-Uschid ibn Zeid, b) Negerin, c) Einsicht, Frömmigkeit, d) Ahmed asch-Schiruani, *Hadikat al Afrah*, Kairo 1298, S. 37, e) Neuere Zeit.

C. Zur Geschichte der Legende vom Gefährten im Paradies.

An der Spitze der Geschichten, die in den Kreis unserer Legende gehören, steht die Erzählung des Mahabharata vom Jäger und Brahmanen. Mit Recht hat Benfey diese Erzählung in Beziehung gesetzt zu der Legende von R. Josua b. Illem mit dem Metzger Nannos bei R. Nissim. Die Priorität gebührt der indischen Überlieferung, nicht nur weil wir sie in (etwa um anderthalb Jahrtausende) älterer Aufzeichnung besitzen, sondern aus zwingenden inneren Gründen: im Buddhismus gilt der Jäger schon durch seinen Beruf der Sünde verfallen; um so wirkungsvoller, wenn dieser berufsmässige Sünder über den berufsmässig frommen Vedenleser gestellt wird. Allerdings habe ich auch für den Metzger nachgewiesen, dass er in Achtung des alten Judentums nicht besonders hochstand.[48]

[48] S. *R E J*, 1908, LXVI, 218, 219 Hinzuzufügen ist aus der letzten Mischna im T. Kidduschin והכשר שבטבחים שותפו של עמלק.

Die Stelle von Rab und dem Metzger findet sich in Baba Mecia 85a.

Trotzdem hat Benfey recht, dass dieser Zug im Buddhismus ursprünglich, in der jüdischen Legende entlehnt scheint. Leicht begreiflich, dass die jüdische Legende den Jäger zum Metzger umgestaltet, da im Mittelalter kaum je ein wirklicher Jude das Jägerhandwerk betrieben.

Der Erzählung vom Jäger und Brahmanen steht noch näher eine jüdische Legende, von der Benfey noch nicht wissen konnte: Der Fromme in Laodicea. Ein jüdischer Frommer, der unreines Getier verkauft, gleicht einem Buddhisten, der mit Wildbret handelt.

Andererseits wieder hat Reinhold Köhler und M. Gaster den Zusammenhang zwischen der Legende vom frommen Metzger bei R. Nissim mit dem Guten Gerhard von Rudolph von Ems erkannt. Aus unseren vorhergehenden Ausführungen (oben S.) dürfte es klar geworden sein, dass die Legende von R. Simon, der nach einigem Zaudern sein Vermögen für den noch ungesehenen Schatz, für die Gefangenen, opfert, dem Epos von Rudolph von Ems noch näher steht.

So führt denn folgende gerade Linie zum Guten Gerhard: 1) Die buddhistische Legende vom frommen Jäger, 2) Die jüdische Legende vom Frommen in Laodicea, der unreines Getier verkauft. 3) R. Nissims Legende vom Metzger Nannos, der seine Eltern ehrt, 4) R. Nissims Legende vom frommen Fleischer, der Gefangene auslöst und seinen Sohn auf die Braut verzichten lässt. 5) Die jüdische Legende von R. Simon, der um den Preis seines Vermögens einen Schatz ersteht, Gefangene, die er versorgt und der auch seinen Sohn von der soeben angetrauten Gattin scheiden lässt. 6) Der Gute Gerhard von Rudolph von Ems—welcher auch ebenso einen Schatz von Gefangenen ersteht und seinen Sohn überredet, seine Braut ihrem ursprünglichen Verlobten zu überlassen.

Noch klarer ist der Zusammenhang zwischen der altfranzösischen (von L. Karl herausgegebenen) Legende vom Einsiedler und Spielmann und zwischen der altkirchlichen Legende vom Heiligen Paphnutius. Die französische Legende verweist gleich in ihrer ersten Zeile auf die *Vitae Patrum*, wo eben die Geschichte des heiligen Paphnutius erzählt wird. Wir können noch einen Schritt weiter gehen: Die wesentlichen Bestandteile der Paphnutius-Legenden finden sich bereits in der Aggada von Pentakakos: der Flötenspieler von Paphnutius ist ein zuchtloser Trunkenbold, war auch Wegelagerer; Pentakakos, der Dirnenwärter, schlägt die Trommel vor den Dirnen; beide verhelfen einer verlassenen Frau, ihren Mann aus der Gefangenschaft auszulösen.

Hier gelangen wir nun zum höheren Problem: wie ist die Verwandtschaft der talmudischen und der altchristlichen Legende zu erklären? Bousset urteilt: "Wahrscheinlich bleibt es, dass hier ältere volkstümliche Erzählungen von der christlichen Legende von dem jüdischen Schriftgelehrtentum aufgenommen und verarbeitet sind."[49] Bousset sieht in dem Gegenstande des verborgenen Heiligen eine Wanderlegende und meint sogar—indem er eine von Reitzenstein fallengelassene Vermutung wieder aufnimmt—"dass diese wandernden Mönchslegenden auf profane Märchenerzählungen zurückgehen oder wenigstens mit Märchenmotiven verwoben sind."[50] Er denkt an den Märchenkreis von Aschenbrödel (Cinderella), Allerleirauh (Grimm, 65), Einäuglein (Grimm, 139), Die Gänsehirtin (Grimm, 179).[51]

Bousset hat gewiss recht: wir haben es mit einer Wanderlegende zu tun. Doch andererseits muss hervorgehoben werden, dass die Wanderlegende sich auf den Kreis des Judentums, des Christentums und des Islam zu beschränken scheint. Ausserhalb dieses Kreises ist nur noch auf die buddhistische Legende vom Jäger und Brahmanen hingewissen worden, die durch zwei Legenden vom frommen Metzger bei R. Nissim und durch die Legende vom Frommen in Laodicea zum Guten Gerhard führt. Ganz lose hängt an diesem Kreis die Erzählung, welche Bousset, nach Reitzenstein, aus Theopompos anführt: "Einem reichen Bürger von Magnesia, der die Götter durch die auserlesensten Opfer ehrt, wird von den Priestern des Apollo ein armer Bauer als Muster der Frömmigkeit hingestellt, der nach Väter Brauch die Götter schlicht und einfach verehrt.[52] "Wir haben also eine jüdische-christlich-muslimische Wanderlegende vor uns, und da nun, wie auch Bousset[53] betont, die talmudischen Erzählungen in das vierte Jahrhundert zurückreichen—ein Teil von ihnen, so auch die Legende von Pentakakos ist im palaestinensischen Talmud aufgezeichnet, der bereits im IV. Jahrhundert abgeschlossen war,—so wird es sehr wahrscheinlich, dass diese Wanderlegende vom Judentum aus ihre Wanderung angetreten hat.

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[49] Wilhelm Bousset, *Der verborgene Heilige A R W*, 1922, XXI, 12.

[50] S. 4.

[51] S. 4.

[52] S. 14.

Die arabischen Legenden haben nichts Urwüchsiges an sich. Für den feuerfesten Schmied hat Perles, für den Mann mit der Wolke hat Gaster den jüdischen Ursprung bewiesen. Dort wieder, wo Jakob sich seinen Paradiesesgenossen erfleht, wo Moses oder David ihren Paradiesesgenossen suchen, scheint sich die Legende selbst ihres jüdischen Ursprungs bewusst gewesen zu sein. Uebrigens scheinen diese Legenden einer späten Zeit zu entstammen.

D. DIE VORSTELLUNG VOM GEFÄHRTEN IM PARADIES.

Seinerzeit habe ich schon auf das Auffällige in der Anschauung vom Paradiesesgenossen hingewiesen (*R E J*, 1908, LVI, 215). Eigentlich sollte man doch meinen, dass alle Seligen einander Gefährten sind.[54]

Schon das ältere rabbinische Schrifttum kennt eine Abstufung der Seligen im Jenseits. Der bezeichnende Satz כי על כל כבוד חפה (Jes. IV, 5) מלמד שכל אחד ואחד עושה לו הקב"ה חופה לפי כבודו, Gott bereitet jedem Frommen ein besonderes Himmelsbett, je nach der Ehre, die ihm gebührt (Baba Bathra 75a), dieser Satz findet in mancher Parallele seine Ergänzung. Schon in der Pesikta lesen wir עדנך אין כתיב כאן אלא עדניך (Ps. XXXVI, 9) מלמד שכל צדיק וצדיק יש לו עדן בפני עצמו (ed. Buber 75a), jedem Gerechten ist ein besonderes Eden zugeteilt; dasselbe auch Lev. R. XXVII, 1 im Namen R. Elazar b. Menachems, ausführlicher in M. Schocher Tob (XXXIV. Psalm, Ende) אמר רב יצחק בר מנחם כל צדיק וצדיק יש לו עולם בפני עצמו, ויש לו גן עדן בפני עצמו שנא' ירווין מדשן ביתך ונחל עדניך תשקם, in etwas anderer Fassung Tanchuma Emor (ed. Buber 89) שכל צדיק וצדיק יש לו מדור בעדן בפני עצמו. Auch der Vers כי הולך האדם אל בית עולמו (Koh. XII, 5) wird derart gedeutet כל צדיק וצדיק הוה ליה עולם בעצמו, Jeder Fromme im Jenseits habe seine eigene Welt (Exod. R. LII, 3). Oder im Namen R. Jizchaks מלמד שכל צדיק וצדיק נותנין לו מדור לפני כבודו, jedem Frommen wird eine Wohnung angewiessen je nach seiner Ehre (Bab. Sabbat, 152a, unten), im Talmud auch mit einem Gleichnis beleuchtet: Wenn ein König mit seinem Gefolge in eine Stadt kommt, ziehen sie wohl durch dasselbe Tor ein, drinn in der Stadt jedoch wird jedem seine besondere Wohnung angewiesen.

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[53] S. 12.

[54] René Basset meint, dass die Negerin der muhammednaischen Legende eben diese Frage beantwortet: weisst du denn nicht, dass die Seelen eingereihten Truppen gleichen? Die Seelen, die einander kennen, verbinden sich in Freundschaft; die einander verkennen, leben in Zwist.

R. Josua b. Levi, der schon bei Lebzeiten seinen Platz im Paradies sieht, findet R. Simon b. Jochai auf 13 Polstern sitzen. Die Thronsessel aller Seligen vermag R. Josua b. Levi zu betrachten, nur den Thronsessel des R. Chijja nicht; die übrigen werden von Engeln in Bewegung gesetzt, der Thronsessel R. Chijjas hat die Triebkraft in sich selbst (Ketubot 77b)

Die Anschauung vom Gefährten im Paradies ist im Talmud und in der älteren Aggada nicht nachgewiesen. Doch begegnen wir der Anschauung von *Nachbarn* im Paradies:
אמר ר׳ זירא אמש נראה לי ר׳ יוסי בר׳ הנינא, אמרתי לו, אצל מי אתה תקוע?
אמר לו אצל ר׳ יוחנן, ור׳ יוחנן אצל מי? אצל ר׳ ינאי, ור׳ ינאי אצל מי? אצל ר׳
חנינא. ור׳ חנינא אצל מי? אצל ר׳ חייא. אמרתי לו ור׳ יוחנן אצל ר׳ חייא לא?
אמר לי באתר דזיקוקין דנורא ובעורין דאשא מאן מעייל בר נפחא לתמן!
Dem R. Zera erscheint im Traum R. Jose b. Chanina; von ihm erfährt er, dass er (R. Jose) seinen Platz neben R. Jochanan, dieser neben R. Jannai, dieser neben R. Chanina, dieser neben R. Clijja habe; R. Jochanan könnte die glühende, blendende Nachbarschaft R. Chijjas nicht ertragen. (Baba Mecia 85b). Der Absicht unserer Legenden kommt besonders nahe die Vorstellung עתיד הקב״ה לעשות צל וחפה לבעלי המצות אצל בני תורה בגן עדן, Gott werde denen, die gute Taten üben, schattige Ehrenbaldachine bereiten an der Seite der Toragelehrten (Lev. R. XXV 2).

Wir dürfen nicht ausser acht lassen, dass die Gleichsetzung des dünkelhaften Frommen mit dem demütigen Frommen meistens nicht derart geschieht, dass sie einander zu Paradiesesgefährten beschieden sind. Oefters handelt es sich um das Mass der Belohnung im Jenseits: *εἰς ποῖον μέῖρον ἔφθασε*. Von den

38 Legenden unserer Liste kennen folgende 11 den Gefährten im Paradies, und zwar von den jüdischen:

Der edle Metzger, bei R. Nissim (N. 9 unserer Liste)
Josua b. Illem (*Levi*) *und Nannos*, (N. 10),
Der Jüngling im Rufe der Zuchtlosigkeit (N. 13),
Rashi in Spanien, (N. 15);
Gottgefälliges Vielessen (N. 16),

von den christlichen Legenden:

Der Einsiedler und der Spielmann (N. 27),
Der Sprung König Richards (N. 29);

von den muhammedanischen:

Jakob und der Araber (N. 32),
Moses sucht seinen Paradiesesgefährtin (N. 33),
Davids Demütigung (N. 34),
Davids seliges Ende (N. 35),
Die Negerin (N. 37).

Hieraus wird klar: die Anschauung vom Gefährten im Paradies zeigt sich erst in den späteren Legenden, zuerst bei R. Nissim. R. Nissim führt diese Vorstellung auch in frühere Legenden ein. So lesen wir im Talmud: Der Amoräer Abbai beunruhigt sich darüber, dass er nur zu jedem Vorabend des Sabbats die Zusicherung des ewigen Heiles gewinnt, während einem Barbier-Schröpfer in seiner Nachbarschaft diese Zusicherung täglich zuteil wird. Abbai geht der Sache nach und überzeugt sich davon, dass dieser Barbier sich durch besondere Tugenden auszeichnet (Bab. Taanit 21b, 22a). R. Nissim ändert dieselbe Geschichte derart, dass der Barbier zum Paradiesesnachbarn Abbais wird. Da nun diese Vorstellung dem Talmud noch fremd ist, dem R. Nissim aber geläufig wird, erscheint es zweifellos, dass diese Vorstellung sich im Judentum zwischen dem VI und dem XI Jahrhundert ausgebildet hat.

Aehnliches können wir in der kirchlichen Legende beobachten. Die *Vitae Patrum* erzählen vom Heiligen Paphnutius, er habe gebetet, Gott möge ihm offenbaren, welchem Heiligen er gleiche. (Migne *Patr. lat.*, LXXIII, 1170). In der altfranzösischen Legende hingegen, die denselben Stoff behandelt, kehrt die Bezeichnung vom Gefährten im Paradies öfters wieder (Ausgabe von L. Karl in der *Revue des langues romanes*, 1925, LXIII, Zeile 18, 71, 509, 534, 535). Aber merkwürdigerweise scheint die Vorstellung noch im Entstehen begriffen; so sagt der Spielmann: "Da wir beide mit Gott Gefährten sein müssen, verlasse ich dich nicht (508, 509). "Gott hat verkündet, dass wir mit ihm Gefährten im Paradies sein werden (532–535). Hier scheint also Paradiesesgefährte noch zu bedeuten: Gefährte Gottes im Paradies.

Beachtenswert ist, wie diese Vorstellung im *Buch der Frommen* ausgebildet ist. Hier heisst es והנה שני סופרים בגיהינום כותבין זה מקום פלוני וזה מקום פלוני, כי נכון לכל איש בין טוב בין רע מקומו בגן עדן ובגיהינום. Zwei Schreiber in der Hölle zeichnen auf: dieser Platz ist diesem Menschen beschieden, denn für Jeden, ob gut oder böse, ist ein Platz im Paradies und ein Platz in der Hölle bewahrt.[55] Im Paradies erfüllt diese Aufgabe der Prophet Elijahu ואליהו מסדר הצדיקים בגן עדן לפי מעשיהם הראוים יחד מי אצל מי כמו שכתוב במדרש שוהר טוב: נכנס אליהו אצל ר' שמעון ב' יוחי אמר לו: ר' יהושע בן לוי הפץ לבוא אצלך, אמר אם לא נראתה הקשת בימיו יכנס במחיצתי, הרי אליהו מושיב צדיקים יחדיו זה אצל זה הראוין להיות יחדיו וזהו שכתוב לגבי אליהו והשיב לב אבות על בנים ולב בנים על אבותם.[56]

Dem Prophet Elijahu fällt also der Beruf zu, die Frommen im Paradies nach ihrem Verdienst einzureihen, wer würdig ist, des anderen Gefährte zu sein. Diese Anschauung sucht das *Buch der Frommen* auf einen Bibelvers und auf eine Aggada zu stützen. Der Bibelvers (Mal. III, 24) besagt nur so viel, dass Elijahu Väter und Kinder versöhnt, die Aggada (Schocher Tob Ps. 36, Ketubot 77b) berichtet, dass Elijahu für Josua b. Levi den Führer (den Virgil) im Jenseits abgegeben hat. Daraus folgt: das *Sefer Chassidim* hatte schon eine feste Vorstellung vom Gefährten im Paradies und sucht für diese Vorstellung eine Rechtfertigung in der Heiligen Schrift und in der älteren Ueberliefrung.

In der älteren Ueberlieferung fand sich nun diese Vorstellung nicht. Sollte sie ins Judentum von aussen eingedrungen sein, vielleicht aus der buddhistischen Legende, aus welcher die Legende vom Metzger Nannos und vom Frommen in Laodicea geflossen zu sein scheint? Durchaus unwahrscheinlich. Benfey betont, dass das Paradies in der Erzählung vom Jäger und Brahmanen kaum hervortritt;[57] die Vorstellung vom Paradiesesgefährten scheint ihr völlig fremd. Auch im Hellenismus hat sie Bousset nicht gefunden. Sie muss sich nach den talmudischen Ansätzen zur Anschauung vom Paradiesesnachbarn im Judentum in nachtalmudischer Zeit vom R. Nissim, zwischen dem VI und XI Jahrhundert, herausgebildet haben. Sie fasste im Judentum und im Christentum Wurzel und diente zur Veranschaulichung des schönen Gedankens, dass demütige, selbst einfältige Frömmigkeit vor Gott mehr gelte als dünkelhafte Gottesgelehrtheit, als selbstgerechte Heiligkeit. Die Vorstellung vom Gefährten im Paradies steht im Dienst des Grundsatzes: רחמנא לבא בעי.

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[55] ס' חסידים, ed. Berlin 1891, S. 36, N. 33.

[56] Ibidem, S. 261, N. 1044.

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ḲALIR STUDIEN

II

Von. I. ELBOGEN, Hochschule für die Wissenschaft des Judentums, Berlin.

IN MEINEM ersten Aufsatz habe ich bereits darauf hingewiesen,[1] dass ich an dieser Stelle ein *Ma'amad* Ḳalirs zum *Ne'ila-Gebet* des Jom Kippur zu veröffentilchen beabsichtige. Die mir vorliegenden Photographien entstammen dem Genisa-Manuskript Bodleian, Heb. f. 58 (Neubauer & Cowley, *Catalogue*, II, No. 2853), fol. 65b–77b. Das Manuskript habe ich bereits in meinen *Studien zur Geschichte des jüdischen Gottesdienstes* benutzt,[2] um zu beweisen, dass es eine 'Aboda des Dichters Jose b. Jose zum Minchagebet des Jom Kippur gegeben hat; das hatte freilich eine im *Or Saru'a*[3] zitierte geonäische Quelle bereits verraten, aber in Ermangelung des Materials hatte man an diesem Zitat unnötig herumverbessert. Ein Genisa-Fragment aus Cambridge (Taylor-Schechter Collection H6, No. 31) hat den Anfang der Dichtung aufbewahrt.[4] Was in unserem Manuskript der 'Aboda vorangeht, ist ein sonst unbekannter Piuṭ[5], der wahrscheinlich auch unvollständig ist. Seine Struktur kennen wir aus dem Machsor Romi, das der Mussaf-'Aboda einen Piuṭ der gleichen Bildung voranschickt.

Am Ende von fol. 65b lesen wir dann die Überschrift, die uns hier beschäftigt מעמד נעילה דר' אלעזר בר' קליר. Daran ist zweierlei neu. Erstens war bisher keine Bearbeitung des Ne'ila-Gebets durch Ḳalir bekannt, und man konnte trotzdem nicht darüber im Zweifel sein, dass der Dichter auch dieses Gebet bearbeitet hat;[6] seine Autorschaft ist auch innerhalb der Dichtung positiv bezeugt (vgl. weiter III, 2 u. ö). Sodann ist auch ein handschriftlicher *Ma'amad* neu. Wir kennen wohl die Bezeichnung[7] und wissen, dass man eine Kombination von Piuṭ und Selicha darunter verstanden hat[8]—aber wir haben doch bisher nirgends ein Ma'amad in seiner ursprünglichen Gestalt gesehen, wir können nicht genau bestimmen, wie es in Wirklichkeit ausgesehen hat und wie die Probleme, welche das vorliegende uns stellt, zu lösen sind.

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[1] *Hebrew Union College Annual*, vol. III, p. 215.

[2] =Schriften der Lehranstalt für die Wissenschaft des Judentums I, Berlin 1907, p. 81.

[3] II, 128a, vgl. *Studien*, das.

[4] *Studien*, p. 118. (Die Bezeichnung der Manuskripte in Cambridge scheint inzwischen vielfach geändert worden zu sein).

[5] In Davidsons *Thesaurus*, I, ist er nicht verzeichnet. Es wäre möglich, dass אמצתה שחקים nicht der Anfang des Piuṭ ist und dass er darum bei Davidson fehlt, aber das ist nicht wahrscheinlich; die beiden vorliegenden Zeilen mit א' und נ' erwecken den Anschein, dass hier der Anfang der Poesie angeführt ist.

Eine Verbindung von Piuṭ und Selicha sehen wir auch hier vor uns, genauer eine Schib'ata und einen Selicha-Zyklus. Die Schib'ata nun ist nicht konsequent durchgeführt. Während die Poesien zu den ersten drei Benediktionen auf dem Bibelvrs Ps. 118, 20 זה השער לי״י aufgebaut sind (fol. 66a, b), fehlt die Fortsetzung für die Benediktionen V–VII, die alle drei mit dem Refrain בעת נעילת שער (fol. 76b–77a) beginnen. Wir werden später sehen, dass sie auch einen andern Namen im Akrostichon tragen. Die Vermutung liegt nahe, dass, wie so oft in der synagogalen Poesie, Stücke verschiedener Autoren zusammengestellt worden sind; man darf sie aber nur mit Vorsicht aussprechen, da umittelbar vor dem Ende wieder das Akrostichon unseres Dichters אלעזר בירבי קליר auftritt—freilich wiederum mit einem anderen Namen kombiniert.

Verfolgen wir den Aufbau des Ma'amad, wie die Handschrift ihn bietet, wobei wir sogleich vorausschicken müssen, dass diese vielfach offenkundige Fehler enthält. Das erste und zweite Stück haben alphabetische Anlage (hinter dem einleitenden Wort aus dem Bibelvers) u. zw. Strophen von 5 Zeilen, die untereinander reimen. Auf die ersten zwei Zeilen folgt der Refrain בנעילת שער

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[6] Vgl. Zunz, *Litg.*, p. 58 Nr. 27 u. 60. Freilich ist die dort erwähnte Vermutung Rapoports, dass die Ḳeroba אב ידעך מנער Ḳalir angehört, falsch; sie stammt vielmehr von Simon b. Isaak, vgl. Davidson I Nr. 47.

[7] Elbogen, *Der jüdische Gottesdienst*, p. 226.

[8] מעמד שיש בו רצוי וסליחה bei 'Amram; Ed. Frumkin, II fol. 174a, liest דברים statt מעמד, während bei Marx, *Untersuchungen zum Siddur R. Amram*, 1908, p. 34, die Variante nicht verzeichnet ist.

(in I. בעת נעילת שער), der den Reim unterbricht, auf die vierte[9] ein auf die Eulogie der betreffenden Benediktion hinweisendes Wort mit einer auf einen der Patriarchen anspielenden Bibelstelle. Der dritten Benediktion, die sonst den gleichen Bau hat wie I und II, sind mehrere Bibelverse als Belege angefügt; unsere Handschrift bietet vier, von denen die zwei ersten mit einem zum Reim passenden Worte enden, während der vierte auf das Thema der Ḳeduscha überleitet. Wahrscheinlich fehlt, wie das Ende dieser Bibelestelle, die andere Ps. 22, 4, ואתה קדוש, an die gewöhnlich אל נא angeschlossen wird.[10] Wie üblich ist die dritte Benediktion stark erweitert.[11] Der mit אל נא eingeleitete Piuṭ III, 1 setzt das Alphabet fort, die vier Strophen bestehen aus je drei Zeilen, von denen immer die zwei ersten mit dem gleichen Buchstaben des Alphabets beginnen, während die dritte aus Teilen von Ps. 78, 38 besteht, die den durchgehenden Reim bedingen. Darauf folgt die Poesie mit dem Akrostichon אלעזר ברבי קליר.[12] Sie besteht (fol. 67af.) aus drei Strophen von je fünf Zeilen, der Refrain האל הקדוש ist allen gemeinsam; ausserdem aber enthält die dritte Zeile einen Hinweis auf die Stunde des Gebets, den man ebenfalls als Refrain auffassen kann. Während aber Strophe 2 u. 3 (bis auf den Refrain) durchgehenden Reim haben, zerfällt 1 in zwei Reimpaare, ein Textfehler ist kaum anzunehmen. Die dritte Poesie (fol. 67b) wird durch den Aufruf ובכן ולך כל יעריצון[13] eingeleitet, der sie deutlich als zur Ḳeduscha gehörig charakterisiert. Sie besteht aus sechs Strophen, die durch die Worte des Psalmverses זה השער לי״י צדיקים יבואו בו eingeleitet, ausserdem nach dem Alphabet angeordnet sind. Jede Strophe hat vier Zeilen, den Abschluss bildet ein Teil des Satzes Dan. 9,19 und dieser bedingt den durchgehenden Reim; während bei Strophe 1 und 2 der Versteil durch ein zum Alphabet gehöriges Wort eingeleitet wird, ist dies bei den folgenden nicht der Fall, in der letzten ist der Buchstabe ש mit zwei Zeilen vertreten. Nun folgt eine Überraschung (fol. 68b). Mit dem Worte בו aus Ps. 118, 20 wird ein neues Gedicht eingeleitet, das direkt zur Ḳeduscha führt, acht untereinander reimende Zeilen, deren fünf erste das Akrostichon יהודה ergeben. Ein fremder Name innerhalb einer synagogalen Poesie ist nichts Ungewöhnliches, die Dichter haben oft einen ihnen Nahestehenden dadurch verewigen wollen. In Kompositionen *Ḳalirs* begegnet man dem Namen Jehuda auch sonst.[14] Man darf daher unser Stück nicht als fremde Zutat erklären, es fügt sich eng in den Bau ein und wird durch den Zusammenhang geradezu gefordert, da sonst der durch die Einleitungsapostrophe . . .ובכן. יעריצו bedingte Übergang zur *Ḳeduscha* fehlte.

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[9] In II fehlt im Manuskript der Vers mit 'ח.

[10] Vgl. I. Davidson, *Maḥzor Yannai*, p. XXVIII; Elbogen, *Gottesdienst*, 2. Aufl., p. 550.

[11] Davidson, das. p. XXVIII–XXXIII; Elbogen, das. p. 213 f.

[12] Yannai verarbeitet das Akrostichon seines Namens schon in III, vgl. Davidson, das. p. 14, 20, 27, 34 f., während Ḳalirs Ḳerobot die Zeichnung des Namens erst in demjenigen Stücke haben, das hier III, 1 entspricht, vgl. Zunz, *Synagogale Poesie*, p. 66 f. Mit einiger Gewaltsamkeit kann man übrigens auch hier das י für בירבי im Akrostichon herausfinden, es scheint mir aber richtiger, daruf zu verzichten und keine Gewalt anzuwenden.

[13] Im Manuskript deutlich ובכל, es besteht kaum ein Zweifel, dass ובכן zu lesen ist. Uber die Bedeutung dieser Anrufungen vgl. Elbogen, p. 381; sie gehören in das Gebiet, das man jetzt mit Rudolf Otto als das Numinose bezeichnet.

Zur Ḳeduscha selbst gehören drei Poesien von gleichmässigem Bau (fol. 69a–b). Der Beginn ist durch das letzte Wort des vorhergehenden Ḳeduschaverses, der Reim durch das nächstfolgende Überleitungswort bedingt. Auf die erste Zeile der vierzeiligen Strophe folgt ein Refrain בנעילת שער, im übrigen aber wird das bei dem Stück mit אל נא (III,1) unterbrochene Alphabet fortgesetzt und auf diese Weise die Zusammengehörigkeit deutlich gemacht.

Zum Abschluss der dritten Benediktion gehört dann eine wie zu I u. II charakterisierte Poesie, die wiederum mit dem Worte לי״י beginnt (vgl. oben zu III) und durch das wiederholte Akrostichon אלעזר wieder auf den Verfasser hinweist (fol. 69b). Dass die mittlere Benediktion der Festtage in der Schibʿata nicht bearbeitet wurde,[15] lehrt auch unser Manuskript wieder. Hier aber treten die zur Maʿamadkomposition gehörenden *Selichot* ein. Sie beginnen in IV,1 (fol. 78a) mit dem Prolog, רשות, der hier durchgehenden Reim und am Anfang der Zeilen das Akrostichon אלעזר (oder בי״ר) ברבי קליר hat. Auf den weiteren, aus dem traditionellen Gebetbuch bekannten Prolog אוחילה לאל[16] folgt ein סידרא überschriebenes Stück אל בפלשך. Es besteht aus 22 alphabetisch angeordneten Strophen zu je 4 Zeilen; je drei davon reimen unter einander, die vierte ist der Refrain, der abwechselnd טרם נעילת שער und טרם יבוא שמש lautet. Die Poesie ist nicht unbekannt, sie findet sich, wenn auch in anderem Zusammenhange, im Machsor Romi[17]; hier freilich ist sie aus Gründen, die uns unbekannt sind, bei der 16. Strophe abgebrochen und erst hinter den Selichot und einem weiteren Stück der Tefilla wieder aufgenommen und als Ubergang zur Eulogie benutzt worden (vgl. IV, 3, fol. 76a). Dazwischen aber stehen drei Selichot, alle drei alphabetisch angeordnet, die mittlere mit durchgehendem Reim auf עים, die erste und dritte mit durchgehendem Reim innerhalb der Strophen—bei der letzten ist er durch die Dan. 9, 19 entnommenen Versenden bedingt, ohne dass die Strophen durchweg gleich lang sind. Auch diese drei Selichot sind nicht ganz unbekannt, wenn auch bisher nirgends veröffentlicht; sie stehen alle drei im Siddur Saʿadjas,[18] und es ist interessant, dass der Gaon sie[19] in derselben Verbindung wie in unserem Manuskript aufgenommen hat. Auf die Selichas folgt jedesmal das bekannte אל מלך יושב.[20]

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[14] Vgl. Zunz, *S. P.*, p. 109 u. *Litg.*, p. 34; die von Zunz angezweifelte Tradition, dass Jehuda Kalirs Bruder war, geht auf Elieser b. Nathans Machsor-Kommentar zurück und ist zuerst von E. S. Margulies in seinem Machsor קרבן אהרן angeführt, vgl. Rapoport, תולדות ר׳ אלעזר הקליר, Note 34, und S. Baer, סדר עבודת ישראל, p. 666.

[15] *Hebrew Union College Annual*, III, p. 221 f.

Wir kommen endlich zur Bearbeitung der drei letzten Benediktionen, die, wie bereits bemerkt, wiederum auffallende Überraschungen bieten. Sie setzen das Schema der ersten drei Benediktionen *nicht* fort, sind vielmehr durch einen Refrain בעת נעילת שער eingeleitet, vierzeilig mit durchgehendem Reim und ergeben das Akrostichon שמואל בירבי אברהם. Also wieder ein fremder und ein gänzlich unbekannter Name! Die naheliegende Vermutung, dass eben diese Abschlusspoesien einem andern Dichter entlehnt wurden—wofür es ja Beispiele gibt, trifft schwerlich zu. Denn die Bearbeitung der *letzten* Benediktion (VII) führt bewusst nicht zur Eulogie, sondern zu einem andern Liede—man könnte es als Kehraus bezeichnen (fol. 77a)—das deutlich das Akrostichon אלעזר בירבי קליר enthält und ganz klar zur Eulogie überleitet. Ob auch dieser Name wie Jehuda (oben, S. 408) als Verwandter Kalirs gelten darf, bleibt völlig unbekannt.

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[16] Davidson, I, No. 1701; zur Bedeutung vgl. Elbogen, das., p. 216, 278.

[17] Davidson, I., No. 3511.

[18] Vgl. Steinschneider, *Cat. Bodl.*, col. 2210. Danach bei Zunz, *Litg.*, p. 221 u. Davidson, I. Nr. 8884, die mittlere אתחנן (IV, 4).

[19] Dass es drei sind, erwähnt J. Bondi, *Der Siddur des R. Saadia Gaon*, 1904, p. 38. Herr Rabbiner Dr. J. Bondi in Mainz hatte die grosse Freundlichkeit, seine Abschrift von Saʿadjas Siddur für mich zu vergleichen und mir die unten verzeichneten Varianten mitzuteilen. Ich spreche ihm für seine Mühewaltung auch an dieser Stelle meinen herzlichsten Dank aus.

[20] Im Siddur Saʿadjas, nach der gütigen Mitteilung des Herrn Dr. Bondi, zumindest zweimal אל הורתנו; das ist der ältere Anfang, vgl. Elbogen, p. 222.

Ehe wir die sich ergebenden *neuen* Probleme zusammenfassen, seien einige Bemerkungen zum Text der Handschrift und zu den von ihr benutzten Gebetvorlagen gestattet. Wo wir unsere Handschrift prüfen können, sei es am Reim[21] und Akrostichon,[22] sei es an den Parallelen in Machsor Romi[23] oder dem Siddur Sa'adjas[24], erweist sie sich als wenig gut. Der Abschreiber war nicht sehr sorgfältig oder hatte schon einen verderbten Text vor sich. Unsere Handschrift kann auch nicht als übermässig alt[25] angesehen werden, ihre Gebetvorlage zeigt bereits ein ziemlich fortgeschrittenes Stadium. Von den bei Ḳalir sonst üblichen Merkmalen des palästinischen Ritus[26] sind hier nur wenige vorhanden. Am deutlichsten ist das bei den beiden Eulogien zur V und VI[27] Benediktion (fol. 76b). Sonst aber sucht man sie vergebens. Statt dessen liest man aber z. B. אדיר אדירנו angedeutet (fol. 69b), das sicher nicht allzufrüh[28] an den Schluss der Ḳeduscha gesetzt worden ist (fol. 69b). Die Tefillatexte sind in auffallender Form zitiert. In I z. B. (fol. 66a) wird אל עליון ברוך, in II אתה גבור erst nach Beendigung des Piuṭ zitiert; beides ist unmöglich, da dessen Abschluss (והחיינו, וגוננינו) deutlich auf die Eulogie und nicht auf den Anfang des Tefillatextes hinweist.

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[21] Z. B. III, 3 (fol. 68b).

[22] Vgl. oben, Note 9.

[23] Zu IV, 2.

[24] Zu IV, 3–5.

[25] Auch die Schlussverse (77b Ende) erwecken den Eindruck der Jugend.

[26] Rapoport, das., Anm. 33, u. im Nachtrag dazu, Zunz, *Litg.*, 33, Elbogen, p. 313.

[27] Vgl. Elbogen, p. 56, 58.

[28] Das., p. 66.

Bei der dritten Benediktion ist der Zusammenhang richtig gegeben, aber der wenige Zeilen vorher (vor III 5) angedeutete Hinweis ותמלוך fällt auf, da wir ובכן תן פחדך erwarten. Der Anfang von IV lautet אתה בחרתנו nach der babylonischen, nicht אתה בחרת nach der palästinischen Fassung der Tefilla.[29] Dann ist in IV das Sündenbekenntnis[30] mit תבוא und מה נאמר zitiert, während es hinter den Selichot in den Formeln אבל אנחנו אשמנו und מה נאמר לפניך wiederkehrt (fol. 75b). Zu beachten ist ferner, dass als Selichot nur poetische Stücke, aber keine Bibelverse[31] angegeben sind, endlich, dass unser Manuskript als Gebet hinter den Selichot stets אל מלך zitiert, während Sa'adjas Siddur noch die ältere[32] Form אל הורתנו hat. Alle diese Tatsachen weisen darauf hin, dass unsere Handschrift einen nicht einwandfreien Text einer stark überarbeiteten Rezension der Gebete bietet.

Hält man daran fest, so bleibt es fraglich, ob die Eigentümlichkeiten dieser Handschrift als Kriterien für allgemeine Regeln verwertet werden dürfen. Wir wollen es trotzdem versuchen. Da ist zunächst festzustellen, dass für den Ma'amad eine Schib'ata Verwendung findet. Sie weicht im Bau von der Ḳeroba nicht nur dadurch ab, dass sie über die dritte Benediktion hinausgeht, sondern auch darin, dass ihre einzelnen Teile nicht aus Hauptteil und Finale bestehen, die miteinander durch Bibelverse verbunden sind.[33] Die vierte Benediktion, die am System der Schib'ata nicht beteiligt ist, hat die Selicha-Einschaltung; sie besteht aus dem Reschut, der Sidra, die im Aufbau Ähnlichkeit mit dem Pismon[34] hat, und den Selichot. Ob die Selichot von Kalir selbst verfasst oder nur übernommen sind, lässt sich nicht feststellen. Sehr viel älter können sie nicht sein, dazu haben sie zu kunstvollen Reim. Ebenso wenig können wir erklären, warum 'die Sidra' in zwei Teile geteilt ist und so die Selichas unrahmt. Der Ne'ila-Poesie scheint das Schlussgedicht eigentümlich zu sein, das nicht mehr auf Umkehr und Vergebung, sondern auf den heiteren Ton der Freude abgestimmt ist.

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[29] Das., p. 134 Nr. 5.

[30] Das., p. 149 f. über die verschiedenen Einleitungformeln.

[31] Das., p. 222 u. Zunz, S. P. 82.

[32] Oben Note 20.

[33] Zunz, *S. P.*, p. 65; Davidson, *Yannai*, p. XXVI ff; Elbogen, p. 213.

[34] Zunz, das. 88, 367 f.; Elbogen, p. 228 u. 549.

Als Besonderheiten unserer Komposition dürfen wir hervorheben: 1) die Einführung der Benediktion-Anfänge durch einen Bibelvers, der nur zur Hälfte durchgeführt ist, während die zweite Hälfte sich eines anderen Schemas bedient; 2) die Einführung der fremden Akrosticha יהודה und שמואל בירבי אברהם, von denen das eine auch sonst vorkommt, die beide vorerst unerklärt sind. Wir wissen weder, ob sie Ergänzer oder Überarbeiter der Poesie sind, noch ob Ḳalir selbst ihre Namen erwähnt hat und aus welchem Grunde, ob sie wirklich, gemäss alter Tradition seine Verwandten waren. Von seiten der Sprache gewinnen wir kein Kriterium, denn sie scheint durchweg einheitlich; sie ist vielleicht leichter als sonst bei Ḳalir[35] trägt aber doch alle Merkmale seiner Dichtung.

Der Text folgt im Anhang mit einer Reihe von erläuternden Anmerkungen; sie brauchten weniger zahlreich zu sein, wenn wir ein einigermassen vollständiges hebräisches Wörterbuch besässen.[36]

ANHANG

(fol. 65b) אמצתה שחקים ותכנתה ארקים ואין מלבדך
גחר ומקים עד לא מכון כסאך נכון
ככת׳ נכון כסאך מאז וגו׳.
סדר עבודה ליוסי בן יוסי ז׳צ׳ו׳ל׳
אספר גדולות לעושה גדולות וג׳
השלמנו מנחה. בעזרת שוכן טפוחה

מעמד נעילה דר׳ אלעזר בר׳ קליר

זכר צדיק לברכה

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[35] Zunz, *Litg.*, 40 ff.

[36] Herr Oberrabbiner Dr. Brody-Prag hatte die grosse Freundlichkeit, mir einige Erklärungen zu geben, die unten in seinem Namen angeführt sind. Ich spreche ihm hier nochmals meinen aufrichtigsten Dank aus.

(fol.66a) I אומר איימתהו[1] לשכיר יום[2]
זה ביומו תתן שכרו[3] בעוד היום

בעת נעילת שער

גלה שכרינו נורא ואיום[4]
דרוש לתתו טרם פנות היום
וגוננינו בצדק יושב פתח כחום היום[5]
אל עליון גומל חסדים טו'

ב' מגן

II השער הנפתח[6] לבאי סיפו[7] להתקרב
וצמים ומתענים מערב ועד ערב[8]

בנעילת שער

זכותם להמציא ושיחם יערב[9]
ח...............רב
והחיינו בצדק, יצא לשוח בש' ל' ער'[10]

אתה גיבור לעולם יי'
ב' מחיה

(fol. 66b) III
ליי' טעננו היום שיחות חמש[11]
יד פרשנו[12] לשאול סליחה מאמש[13]

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[1] Mischnisch, vgl. Ben Jehuda, *Thesaurus* I, 186; die Bedeutung ist hier nicht "schrecken," sondern einfach auferlegen; אומר wie Job 22, 28 = Gebot.

[2] Vgl. Job 14, 1.

[3] Deut. 24, 15.

[4] Vgl. Habakuk 1, 7.

[5] Um *Abrahams* willen. Der ganze Vers mit dem Zitat aus Gen. 18, 1 (vgl. den Midrasch z. St.) ist auch in die Ne'ila-Ḳeroba אב ידעך מנער (Davidson I No. 47) übernommen.

[6] Vgl. Ez. 44, 2; 46, 1.

[7] Pars pro toto = ביתו.

[8] Lev. 23, 32.

[9] Vgl. Ps. 104, 34. Die folgende zeile fehlt in folge eines Verschens der Abschreibers, vgl. oben p. 407, Note 9.

[10] = בשדה לעת ערב, Jsaak nach Gen. 24, 63. Auch diese Anspielung in אב ידעך, Vgl. Note 5.

[11] Gemeint sind die 5 תפלות.

[12] Vgl. Thren 1, 10.17, hier in der Bedeutung "beten" wie Jes. 1, 15.

[13] Seit der Nacht zuvor, vgl. Gen. 31, 29.

בנעילת שער

כפרתינו תן עד לא יבא שמ[ש][14]
להשליך חטאינו בצול[15] קדם ואמש[16]
ותוקדש בנו בצדק[17] וילן שם כי בא השמש
ככת'[18] ויפגע במקום וילן שם כי בא וג'
ונא'[19] ביומו תתן שכרו ולא תבא
ונא'[20] זה השער לי"י וצדיקים יבואו בו
ונא'[21] לכן כה אמר י"י אל בית יעקב אשר פדה את אברהם לא ע'[22]

III 1 אל נא

מעני נפש[23] מאמש ברעבון
מלך אל ידקדק עמם בחשבון[24]
(fol. 67a) והוא רחום יכפר עון[25]

נורא[26] שכרם לא יפחית
נאקם[27] ישמע וכפרם ינחית[28]
יכפר עון ולא ישחית[25]
סלה ישא לחוקקי כפו[29]
סליחה ירבה לשוקדי ספו[30]
והרבה להשיב אפו[25]

עליון תחן[31] יאזין מאומתו[32]
עון ימחה[33] ויחון רחומתו[34]
ולא יעיר כל חמתו[25]

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[14] Vgl. Exod. 22, 25; das zweite 'ש fehlt im Manuskript.

[15] =במצולות vgl. Micha 7, 19, und Zunz, *Syn. Poesie*, II Aufl., 399.

[16] =Tag und Nacht.

[17] Um Jakobs willen, Gen. 28, 11.

[18] das.

[19] Deut. 24, 15, der Schluss ist des Reims wegen zu ergänzen.

[20] Ps. 118, 20.

[21] Jes. 29, 22.

[22] =עתה, ferner ist das Ende des Verses bis יעריצו zu ergänzen und wahrscheinlich auch Ps. 22, 4 ואתה קדוש zu ergänzen. Vgl. die Einleitung.

[23] Vgl. Lev. 16, 29.

[24] Scil. beim Zählen der Sünden.

[25] Ps. 78, 38.

III 2

קדוש

(fol. 67b)

אז לפנות ערב[35]
זכים[36] רגשו[37] להתקרב
בעת נעילת [שער][38]
פתח לנו שער[38]
האל הקדוש

באים רגוש[37] בנטות יום
רצם כי פנה היום[39]
בעת פנות היום
סלח נא נורא ואיום[40]
האל הקדוש

קול לחשם מאמש
יחד רוגשים עד בא השמש[42]
טרם יבא שמש
רצם בתפלת חמש[43]
האל הקדוש

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[26] =Gott, vgl. Exod. 15, 11.

[27] =נאקה, Zunz, *l. c.* 390.

[28] Er mag ihre Erlösung herabkommen lassen, vgl. Joel 4, 11.

[29] Vgl. Jes. 49, 16, vielleicht besser לחקוקי; der Sinn ist "Gott möge Jsrael verzeihen."

[30] Vgl. Prov. 8, 34.

[31] Zunz *l. c.* 420.

[32] Vgl. Cant. 6, 10, das der Midrasch auf Israel bezieht.

[33] Vgl. Jes. 44, 22.

[34] Vgl. Hosea 2, 25.

[35] Gen. 24, 63; Deut. 23, 12.

[36] =die Frommen, vgl. Job 33, 9.

[37] Vgl. Ps. 55, 5.

[38] Das Wort fehlt im Manuskript; dieser und der folgende Halbvers sind in umgekehrter Reihe aus der Ne'ila-Dichtung des deutschen Machsor bekannt.

[39] Aus derselben Dichtung bekannt.

[40] Vgl. Note 4.

[41] Jes. 26, 16, von den jüdischen Erklärern als Gebet aufgefasst; vgl. Ben Jehuda, V, 2663, Anm. 2.

[42] Exod. 22, 25.

[43] Von Ma'ariw bis Ne'ilah.

(III 3) ובכל[44] ולך כל יעריצון

זה אות אמצת[45] לשועה
בתחן אותנו לשעשעה[46]
(fol. 68a) גאלינו מרשעה[47]
דגול יי' שמעה[48]

השער הסגור יפתח[49] לשיחה[50]
ובו השתחויה נסוחחה[51]
זדון חטאינו הדיחה[52]
טהור יי' סלחה[48]

ליי' ישתחוו בעלי תשובה
כי תחנתם אל[53] יקשיבה[54]
לבשר סליחה לשובבה[55]
יי' הקשיבה[48]

צדיקים מענם[56] יוצהר
נא אפך בם אל יחר[58]

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[44] Wahrscheinlich aus ובכן verschrieben, vgl. oben p. 407, Note 13.

[45] אמץ im Sinne von "bestimmen" wie in Ḳalirs ראשון אמצת für שבת החדש, Ben Jeuda, I, 288a.

[46] =uns vermittels des Gebets deiner Liebe zu sichern.

[47] =Sünde.

[48] Dan. 9, 19.

[49] Vgl. Ez. 46, 1.

[50] =Gebet, vgl. b. Ber. 26b.

[51] השתחויה in übertragener Bedeutung, =Gebet, Ben Jehuda, III, 1213, נסוחחה Polel von סוח =sprechen, beten.

[52] =uns von den bewussten Sünden reinigen.

[53] =אֵל Gott.

[54] יקשִיבָה =Gott mag es (das Gebet) erhören.

[55] =Israel, vgl. Jer. 31, 24.

[56] =מענה Gebet, Zunz, *l. c.*, 428.

[57] Hof'al (vgl. Job. 24, 11). Denominativum von צהר Gen. 6, 16; der Sinn ist "mag leuchten, glänzen" vgl. Zunz, *l. c.*, 428. Dr. Brody schlägt vor, des Reims halber יוצחר zu lesen, das käme von צחר weiss sein, Ez. 27, 18; Jud. 5, 10. Dann müsste מענם bedeuten "was sie zu verantworten haben".

[58] Vgl. Deut. 11, 17.

ששון ישעם יומהר[59]
ועשה אל תאחר[48]

(fol. 68b)
י ב א ו פוצחי רנון[60] במקרא
צוהלים בקול תודה וזמרה
קרואי לך[62] פדותם קרא
כי שמך נקרא[48]

ב ו שכון[64] באולמיך
שעה לשכך זעמיך
תשוב להאמיץ[65] תנחומיך
על עירך ועל עמיך[48]

ב ו יביעו ידידים עריצים[66]
הגה קדושה לפוצצה[67]
וחין לקראת ולהפיצה[68]
דת שרפים להציצה[69]
המקדישים בדיצה[70]
(fol. 69a) והמעריצים בנציצה[71]
להעריץ להקדיש בעריצה[72]
קדוש קדוש להמריצה[73]

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[59] Ihre Freude, Hilfe zu finden, komme schnell, vgl. Ps. 51, 14. Dr. Brody liest יומחר von מחר und verweist auf die Parallele מחר יהיה האות הזה nach Exod. 8, 15.

[60] Vgl. Jes. 54, 1, gemeint ist Israel, das beim Lesen der Gebete Gott zujubelt.

[61] Vgl. Jes. 51, 3.

[62] Vgl. das. 48, 12.

[63] Verkünde, dass sie sündenfrei sind.

[64] שָׁכון =der wohnt in . . .

[65] =Pi'el, stark machen, kräftigen.

[66] ידידים =Jsrael, vgl. Ben Jehuda, IV, 1972; עריצים =die Machtvollen (vermöge der Religion), Dr. Brody liest des Reimes halber עריצה =Huldigung wie Note 72.

[67] Vgl. Jer. 23, 29; besser mit פצה zusammenzustellen, vgl. Zunz *l. c.* 382.

[68] חין (Ben Jehuda III 1536) =Gebet; gemeint ist das Lesen und Verbreiten von Gebeten.

[69] =die Art der Engel zur Erscheinug zu bringen.

[70] Freude, Ben Jehuda, II, 931.

[71] Der Glanz der Engel, vgl. Ez. 1, 7.

[72] Vgl. Jes. 29, 22 und oben, Note 66.

[73] Hif'il, Denominativum von מרץ (Wurzel רוץ, vgl. Zunz, *l. c.*, 417) =eilen

III 4 ככת' וקרא זה אל זה ואמר

כבודן יפקוד פקודיו[74] ויעביר אשמתם
בנעילת שער
פשעם יצליל[75] ויפדה נשמתם[76]
צדקם יצהיר[77] ויעריצו בנעימתם[78]
כשרפים קוראים וחיות לעומתם[79]

לעומתם
ממקומו יקבל קריאת עמוסי מעים[80]

(fol. 69b) בנעילת שער
רשעם ישליך במצולות מים[81]
רחמיו יחיש לשופכי לב כמים[82]
רוציו[83] מיחדיו בכל יום פעמים[84]

פעמים
אחד ישמע שועת רצוצי חיות[85]
בנעילת שער
שער יפתח לגועי בשעיות[86]
תת כפרה וימציא זכיות
תוקף קול ישמע שנית להיות

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[74] Israel, vgl. Exod. 30, 12.

[75] =er möge versenken, vgl. Exod. 15, 10.

[76] Vgl. Ps. 34, 23.

[77] Vgl. oben Note 57.

[78] ונעימה =Gesang, vgl. Levy, *Neuhebr. Wört.* III s. v.

[79] Vgl. Ez. 3, 13 und die Ḳeduscha im täglichen Jozer.

[80] Jsrael, vgl. Jes. 46, 3.

[81] Vgl. Micha 7, 19.

[82] Vgl. Thr. 2, 19.

[83] =Die ihn Lieben.

[84] Aus der Ḳeduscha, vgl. Zunz, *l. c.*, 493.

[85] Jsrael, das durch "die wilden Tiere," d. h. die fremden Völker, (Zunz, *l, c.*, 458) zerschmettert ist.

[86] געה =weinen in der Mischna, שעות, offenbar von שעה = sich an jemand wenden, soviel wie Gebete, nicht zu verwechseln mit dem Zunz, *l. c.*, 402 erwähnten.

להיות . אדיר . ותמלוך

III 5 לי״י אמונים תחן יפצו[87]
לסליחת עון יקוו ויציצו[88]

בנעילת שער

זדון רשעם סלח ויעלצו[89]
והקדישו את קדוש יעקב ואת אלהי ישראל יעריצו[90]

(fol. 70a) ב׳ אתה יי׳ המלך הקדוש

IV אתה בחרתנו מכל העמים
וידכר אל וידוי[91]
אלהינו ואלהי אבותינו תבוא לפניך
תפלתינו מה נאמר לפניך יושב וכו׳
וידויא ואל סליחות[91]

IV 1 רשות

אפיק[92] שירים
למגיד מישרים[93]
עזו בחין[94] משוררים
זרע קדושים ובחורים[95]
רננות מפארים[96]
בקיחת דברים[97]
רחישת אמרים[98]
בלבבות מסברים
(fol. 70b) קול אקרא בשערים[99]

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[87] =sie tragen Gebete vor, oben Note 67.

[88] =sie blicken darauf, vgl. Cant. 2, 9.

[89] Vgl. I Sam. 2, 1.

[90] Jes. 29, 22.

[91] =Dann sollen sie das Sündenbekenntnis ודוי vortragen und die Selichot.

[92] So beginnt auch Ḳalirs Schib'ata für Geschem, vgl. Davidson, I, Nr. 7128.

[93] =Gott vgl. Jes. 45, 19.

[94] =בחתנה, Zunz, *l. c.*, 398.

[95] =Jsrael.

[96] Vgl. ברנה יתפאר im Gebet ובמקהלות für Sabbat (Baer, p. 209) Derivate beider Stämme auch sonst häufig in Gebeten.

[97] Vgl. Hos. 14, 3.

[98] Vgl. Ps. 45, 2.

[99] Vgl. Prov. 8, 1. 4.

לכלל ופרט[100] שומרים
יוצב רחשם[101] כאימורים
רוגשים[102] שאו[103] ראשיכם שערים
ככת׳[104] יעתר אל אלוה וירצהו
וירא פניו בתרועה וישב לאנוש
צדקתו
ונא׳[103] שאו שערים ראשיכם
ונא׳[105] פתחו שערים ויבוא גוי
צדיק שומר אמונים

אוחילה[106] לאל אחלה פניו

סידרא[106] IV 2

אל[107] בפלשך[108] כל מעשים
אשמים וגם כעסים[109]
אתחנן בעד עמוסים[110]
טרם נעילת שער

71a בחתכך[111] דין החוטא
אל[112] אור כשלמה עוטה[113]
אוזן[114] לשועתנו הטה
טרם יבא שמש

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[100] Allgemeine und besondere Gesetze.

[101] = Ihr Gebet (Zunz, *l. c.*, 390) werde hingestellt wie das Innere der Opfertiere.

[102] = sie beten (vgl. Ps. 55, 15).

[103] Ps. 24, 7.

[104] Job. 33, 26.

[105] Jes. 26, 2.

[106] Vgl. die Einleitung, oben p. 409.

[107] Auch im römischen Machsor (vgl. Zunz, *Litg.*, 222, Davidson, I, Nr. 3511), die Varianten daraus werden im Folgenden mit Jt. angeführt.

[108] Jt. mit ס׳ vgl. Ps. 58, 3; פלס = Wage Pr. 16, 11.

[109] Zunz, *S. P.*, 376.

[110] = Israel, Jes. 46, 3.

[111] Ben. Jehuda, IV, 1823.

[112] Fehlt in Jt.

[113] Ps. 104, 2.

[114] Jt. אזנך.

גשנו כדלים -
קטנים וגדולים
השיג לנו מחילים[116]
טרם נעילת שער

דלתי תשובה
פתח לבת השובבה[117]
השיבנו ונשבה[118]
טרם יבא שמש

הכסת מנו שוע[119]
ועבור[120] על פשע
והצליל[121] עון ורשע
טרם נעילת שער

והבט ממרומים
בברית חתומים[122]
וכפר אשמים
טרם יבא שמש

זרוק מי טוהר[123]
וכופר לנו יומהר[124]
ועשה[125] אל תאחר
טרם נעילת שער

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[115] =נגשנו, Zunz *l. c.*, 380.

[116] Verzeihung, Zunz, das. 378; Dr. Brody will הַשָּׂא (von והשיאנו) lesen.

[117] =Jsrael, Jer. 37, 21; Jt. liest שובב.

[118] Thr. 5, 21.

[119] So im Manuskript! Jt. besser הסכת מנו ותשע=merk auf uns (d. h. unsere Gebete) und wende Dich ihnen zu (vgl. Deut. 26, 9 und Gen. 4, 4). Möglich wäre auch הסכת מנו שוע=nimm Gebet von uns an oder, wie Dr. Brody vorschlägt, ושע=und wende Dich zu (vg.l Zunz *l. c.*, 383).

[120] Jt. ותעבור.

[121] =versenken, vgl. oben Note 75; Jt. הצל.

[122] =Israel vgl. על בריתך שחתמת בבשרנו in ברכת המזון (Baer, p. 555).

[123] Vgl. Ez. 36, 25.

[124] vgl. oben Note 59.

[125] Dan. 9, 19; Jt. עשה.

(fol. 71b)

חיים עודדנו[126]
למענך אדונינו
מחול[127] זדונינו
טרם יבא שמש

טענו דברים
בצום כיפורים
רצינו כפרים
טרם נעילת שער

ידענו רשעינו[128]
אל מושיענו
מחול לפשעינו
טרם יבא שמש

כי עמך הסליחה[129]
הצלה ורוחה
לעמך[130] שמעה סלחה
טרם נעילת שער

למענך ולא למעננו
עשה ואל תענינו[131]
סלח לעונינו[132]
טרם יבא שמש

מלא משאלותינו[133]
ותן בטוב שאלתינו[134]
שור בשפלותינו
טרם נעילת שער

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[126] Vgl. Ps. 116, 9.

[127] Jt. fügt נא ein.

[128] Jer. 14, 20; Jt. schreibt hier und in ähnlichen Fällen defektiv.

[129] Ps. 130, 4.

[130] Fehlt in Jt., vgl. Dan. 9, 19.

[131] =Jt. תעננו.

[132] Jt. לעוננו.

[133] Vgl. Ps. 20, 6.

[134] Das. 106, 15.

נחֵינו בסוך[135] אברתך
חכור לנו בריתך
וכפר על עדתך
טרם יבא שמש

סלח נא כנאמך[136]
לאנשי שלומך[137]
קוראי[138] בשמך (fol. 72a)
טרם נעילת שער

עון ופשע שא נא
חמול נא וחוס[139] נא
זכור פץ[140] סלח נא
טרם יבא שמש
ככת׳[140] סלח נא לעם הזה וג׳

IV 3

סליחות

ארבעים[141] יום עמד עניו
בתפלה ותחנונים פני דר מעוניו[142]
גבהי רום העלהו פרשז עליו ענניו[143]
דרכי טובו וחסדו העביר על פניו[144]

היום האחרון היה יום כיפור[145]
וסלחת לעונינו ולחט׳ חננך[146] בו בסיפור

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[125] Vgl. Ps. 91, 4 Jt. schlechter בסוד.

[136] Nach Num. 14, 20.

[137] =Jsrael, vgl. Jer. 20, 10.

[138] Jt., wahrscheinlich besser, קרואי vgl. Jes. 65, 1.

[139] Jt. וחוסה.

[140] =den, der sprach (ob. Note 67) = Moses, Exod. 32, 11; Num. 14, 19.

[141] Über das Stück vgl. die Einleitung, die folgenden Varianten nach dem handschriftlichen Siddur Saʿadias (=Sa) verdanke ich Herrn Rabbiner Dr. J. Bondi in Mainz. Zum Anfang vgl. Deut. 9, 25 f.

[142] =Gott, der in den Wolken thront; Sa liest מעונו, was wegen des Reims nicht geht, und hat vorher ותחנונים nicht.

[143] Job 26, 9 Sa ופרשו.

[144] Vgl. Exod. 33, 13. 19; 34, 5 ff, Sa. וחסדיו.

[135] Vgl. *Seder Olam*, Cap. 6, Sa האחרון הזה הוא.

[146] Exod. 34, 9. Sa liest ונחננך = wir wollen Dich anflehen. vgl. b. Rosch Hasch. 17b.

זכור צדקתו והעל לחיים פור[147]
חדוה תמלא פי עם חפור[148]

טעמתה יום מלילה להודיע מכשיר[149]
יומם צויתה חסד ובלילה עמו שיר[150] (fol. 72b)
כן תצו ישועתינו ומעגלינו תישיר[151]
לנצחך בעשור כעל עלמות שיר[152]

מיהר ברדתו מהר חורב[152]
נוגה הקרנתה פניו כשפרפר עורב[154]
סלח כמו כן למפיקי קול ערב[155]
עטה נעטה[156] הדר כפרתך לעת ערב

פשוט[157] יד לקבל שבי פשע
צפה הצמים היום ומתודים על פשע
קול וידוים משמי מרום תישע
רחצינו מעון וחיש לנו ישע[158]

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[147] Esth. 3, 7 הפיל פור, hier העלה entsprechend dem Sprachgebrauch der Mischna העלה גורל; Sa fügt hinter זכור und והעל jedesmal לנו ein.

[148] =beschämt, Ben Jehuda, IV, 1695.

[149] טיעמת so Sa, Pi‘el statt Hif‘il=du lehrtest den מכשיר d. i. Moses, der sein Volk zur Sühne brachte, Tag und Nacht zu unterscheiden; vgl. Jalkuṭ כי תשא Ende und L. Ginzberg, *The Legends of The Jews*, III, 143.

[150] Ps. 42, 9; Sa fälschlich יום.

[151] Vgl. Prov. 2, 9; Sa liest כן תרצנו ועגלתנו תישיר.

[152] Eine Kombination von Ps. 92, 4 und 46, 1; Sa על statt כעל.

[153] Vgl. Exod. 34, 29.

[154] das. und Jalkuṭ z. St.; Sa פניו הקרנת.

[155] Zur Sache vgl. Cant 2, 14 und Midr. r. z. St. כי קולך ערב בתפלה; statt des unverständlichen כמו כן liest Sa למוכנים כמפיקי, was bedeutet: Verzeih denen, die aufgestellt sind wie diejenigen, welche eine liebliche Stimme hervorbringen, d. h. wie die Leviten.

[156] Vgl. Jes. 22, 17. Das Bild, dass der Mensch in die Pracht der göttlichen Verzeihung gehüllt wird, ist ziemlich kühn.

[857] Sa פושט.

[158] Sa רחצנו, vgl. Ps. 51, 4. Die ganze Strophe erinnert an Wendungen aus dem traditionellen Gebetbuch.

שאריתינו תבשר שבתי שביתכם[159]
תשמיע מחנניך בצל הדרי שבתכם[160]
מערב[161] ועד ערב תשבתו שבתכם

אל מלך

(fol. 73a)
IV4 אתחנן בבכי וקול[162] ארעים
בעשור אחלה פניך בפגעים[163]
געלנו משפטיך[164] ונהי גדועים[164]
דין אמת דנתנו תמים דעים[165]
הכעסנוך צורינו במעשינו הרעים
ונטנו[166] מפיקודיך כשוגים ותועים[167]
זחלנו מאימת משפט ונהי זעים[168]
חבול חבלנו ותמו שופכי חין נעים[169]
טיט רשפינו בבור שאון טבועים[170]
יומם ולילה אנו יגיעים
כולנו בעשור לפניך כורעים
לבקרים חנינו ואף לרגעים[171]
מערב ועד ערב לך אנו משוְעים
נאוה תהלתך וזכרך נעים[172]
(fol. 73b) סליחתינו הפיקה ונצא שבעים[173]

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[159] Vgl. Zef. 2, 7; Sa fügt hinzu שלמה גלות וכל רעתכם.

[160] Sa חדרי, der Sinn ist dann: lass diejenigen, die Dich im Schatten der Bethäuser anflehen, vernehmen usw.

[161] Levit 23, 32; Hinter der Selicha hat Sa אל הורתנו=א' הור', vgl. oben p. 409, Note 20.

[162] Sa וקולי, der Ausdruck nach Ps. 29, 3.

[163] =mit Gebeten, vgl. Levy, *Neuhebr. Wört*, IV, 7, s. v. פגיעה.

[164] Lev. 26, 15 und Thr. 2, 3, aber Sa liest גרועים=minderwertig.

[165] Job 37, 16.

[166] Statt ונטינו, vgl. Zunz, *S. P.*, 382; Sa ונט.

[167] Vgl. Jes. 28, 7.

[168] Vgl. Esth. 5, 9, Ben Jehuda, III, 1314; statt משפט hat Sa פחדך, was an das Gebet ובכן תן פחדך erinnert.

[169] =Diejenigen, welche willkommene Gebete äussern, das sind wohl die Leviten.

[170] Vgl. Ps. 40, 3; Sa טיט רפש ובור אנו טבועים, was an Jes. 57, 20 erinnert.

[171] Vgl. Jes. 33, 2 und Job 7, 18; אנו im nächsten Vers fehlt bei Sa.

[172] Ps. 147, 1, Sa liest וחסדך נע'.

[173] Vgl. Jes. 58, 10; Sa. סליחתנו, ebenso תנומתנו und צוארותנו in den nächsten Zeilen.

עורר תנומתינו אשר כרוח עועים[174]
פנינו גלה[175] מנו פשעים
צוארותינו נתק עולם והוליכנו צנועים[177]
קדוש בעשותך פלא[178] בין קרעים[179]
ריב נפלאותיך הראה למכונים ריעים[180]
שדי התם קץ שבועים[181]
שקוד לדלות ממצולות שקועים[182]
תכפר לעם בכסא תוקעים[183]
ומהנם והנה רחמיך תובעים[184]
תחיש לנו שבעה רועים[185]
תבשרינו ועלו מושיעים[186]

אל מלך

IV 5 אתנו עדיך לערוך שועה[187]
(fol. 75a) ברחמיך ובסליחותיך להשתעשעה
גשנו[115] אל פתחך למצוא ישועה[188]
דבבינו[188] יי' שמעה

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[174] Jes. 19, 14.

[175] =mach unser Gesicht frei, das von Sünden bedeckt ist.

[176] Vgl. Jer. 2, 20; der Sinn ist: was unseren Hals betrifft, so brich sein Joch. Zum Plural צוארות vgl. Micha 2, 16.

[177] Vgl. Micha 6, 8.

[178] Vgl. Jes. 25, 1.

[179] =die Splitter Jsraels.

[180] =Jsrael, die Freunde Gottes genannt werden, vgl. Jes. 61, 9. Sa רעים, was aber trotz des Reims ריעם gelesen werden kann.

[181] Vgl. Dan. 9, 24.

[182] =Wache darüber, die Versenkten aus den Tiefen zu befreien, d. h. Jsrael, das im Exil ist, zu erlösen.

[183] Vgl. Ps. 81, 4. Sa richtig בכסה.

[184] Das erste Wort gibt keinen Sinn, Sa תמיד מהיום ההוא רחמים תובע.

[185] Vgl. Micha 5, 4; Sa תמשילנו שבעה רועים und fügt ein.

שירה חדשה לך נְנַעים
תמלוך עלינו שוכן רקיעים

[186] Ob. 1, 21; Sa תבשרנו und dahinter wieder א' הור', vgl. oben Note 161.

[187] Vgl. Job 36, 19; אתאנו=אתנו Zunz, *S. P.*, 381.

[188] Sa תשועה und in der nächsten Zeile דברנו שמעה; דבבנו =Gebet, Ben Jehuda, II, 865, *s. v.*, דָבָב.

הודאות[189] לך נשוחחה
ותפארתך לעד אפציחה[190]
זך 190 כי עמך הסליחה
חטאנו לך יי' סלחה

טהר בית השואבה[191]
יחד אליך נשובה
לשועתינו יי' הקשיבה

מהר ישעינו ובנו אל תתחר[192]
נאקנו בסברינו[193] ולבינו סחרחר[194]
סלה קומם מקדשך ובנו תבחר
ענינו ועשה אל תאחר

פלאיך נשוחח בעח ותפארה (fol. 75b)
צעקתינו ענה משמי שפרה[195]
קבלינו בסליחה וכפרה
רחמינו כי שמך נקרא

שדי השקיפה ממרומיך
שמע שועת מיחדי שמיך
תיפן לצדקינו כרוב רחמיך
תיפן[197] ברחמים על עירך ועל עמיך

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[189] Sa הודיות.

[190] Sa נפציחה, das Hif'il von פצח kommt in der Bibel nicht vor; das folgende זך = der Lautere, eine Bezeichnung Gottes.

[191] = Reinige den Tempel, vgl. Levy, IV, 490a; die im Manuskript fehlende Zeile mit כ bei Sa כפר לבת השובבה und dahinter לשעותנו.

[192] = Sei nicht erzürnt mit uns, vgl. Ps. 37, 1. La ישענו.

[193] סבר = Gott, vgl. Levy, III, 470b, Sa נאקנו אליך; das. ולבנו und später עננו defektiv.

[194] Ps. 38, 11; statt קומם hat Sa תקים.

[195] Vgl. Job 26, 13. Für נשוחח hat Sa נשים, ferner צעקתם defektiv.

[196] Sa קבלנו היום und in der nächsten Zeile רחמנו אלהינו, auch in den folgenden Zeilen לצדקנו defektiv, in der Bedeutung uns für gerecht zu erklären.

[197] Sa תופיע und hinter dieser Zeile א' מלך יושב, vgl. jedoch Note 161.

אל מלך

ויקול[198] מא אכתאר מן אל סליחות
ואדׄא אכתם אבל אנחנו אשמנו
יקול תבעהא מה נאמר לפניך
יושב במרום תם אנו מה חיינו
תם אתה הבדלתה

(fol. 76a)
IV 6=IV 2 פתח[199] לנו שער
ואל ישופינו[200] סער
רצינו בנער[101]
טִרם[202] נעילת שער

ציר כשר[203] להסביר
חסד להגביר
פצתה[204] אני אעביר
ככת׳[205] ויאמר
אני אעביר כל טובי וג׳
וירד יי׳ בענן

קמנו בתחנון
רחום וחנון
הסכת לקול שינון[206]
טרם יבא שמש

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[198] Dann spreche er möglichst viele Selichot, und spreche ausserdem אבל אנחנו חטאנו (vgl. dazu das traditionelle Gebetbuch), er spreche ferner מה נאמר und dann אתה הבדלת (beides das. s. Elbogen, *Gottesdient*, p. 149 ff.

[199] Fortsetzung von אל בפלשך, oben Anm. 107.

[200] Vgl. Job 9, 17.

[201] Jt. כנער, vgl. Hosea 11, 1.

[202] Jt. טרם יבא‸שמש.

[203] ציר der Bote-Moses; zu כאשר שר=כשר vgl. Zunz, *l. c.*, 384; להסביר scil. פנים =geneigt machen.

[204] Jt. fälschlich פץ, die Bibelstelle Exod. 32, 19; dahinter hat Jt. den üblichen Refrain טרם יבא שמש.

[205] It. fügt בתורתך hinzu und liest hinter Exod. 32, 19 ונאמר mit Exod. 33, 5, dann ושם נאמר, Exod. 33, 6 (nur!) und בעבור כבוד שמך המצא לנו רחום וחנון למענך רחם נא.

[206] =Gebet, Zunz, *l. c.*, 452, der Refrain in Jt. טרם נעילת שער.

ראה כי חדל מטעה[207]
מעיל בדעת עוטה
רחום לשועינו אחן הטה[208]
ככת' הטה אלהי אזנך ושמע וג'

שערי רחמים
פתח ממרומים
וקבל תמימים[209]
טרם נעילת שער

תבוא לפניך
שועת רחומיך[210]
אומר' מי אל כמוך[211]
ככת' מי אל כמוך וג' (fol. 76b)

ב' מקדש

V בעת נעילת שער

שגינו בלב ים תמצה[212]
מהרה לישע עמך צא
וריב משפטיך לא ימצא[213]
אל לעמך כפרים רצה

ב' שאותך

VI בעת נעילת שער

בשרינו[214] טוב מלפניך
ישר צעדינו לפניך

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[207] Jt. besser מעטה = der in den Mantel gehüllte Hoherpriester.

[208] Jt. liest אזנך לשועתנו הטה טרם יבא שמש ככתוב בדברי קדשך הטה אלהי אזנך ושמע. . . . על עירך ועל עמך בעבור כבוד שמך המצא לנו שומע תפלה למענך שמע נא בקול תפלתנו.

[209] = Jsrael, die untadelig sind oder sein sollen, Deut. 18, 13.

[210] Form Pa'ul (Zunz, *l. c.*, 423 ff) = diejenigen, die Dein Erbarmen finden.

[211] Jt. fügt hinzu טרם יבא שמש ככתוב על יד נביאך, worauf Micha 7, 18 folgt —in Jt. freilich ohne Übergang zu einer Eulogie der Tefilla.

[212] Vgl. Ps. 73,10.

[213] Vgl. Ps. 9 u. 10, besonders 10, 15.

[214] = בַּשְׂרֵנו, Imper. Pi'el (vgl. Jes. 52, 7), ebenso יַשֵּׁר (vgl. dazu Prov. 3, 6).

רם בצדק[215] נחזה פניך
בטוב יופי רוב צפוניך[216]

ב׳ אתה הטוב לך להודות

VII בעת נעילת שער

אתנו נשתחוה ונכרעה[217]
בייחוף[218] רגל וראש כנועה
ריב שלומך[219] לנו הודיעה
(fol. 77a) האל מה ידבר אשמעה[220]
ככת׳ אשמעה מה ידבר האל יי׳ כי
ידבר שלום אל עמו ואל חסידיו
ואל ישובו לכסלה

VII 1 אגודה[221] ובך בטוחה
לה ברון סוחחה[222]
לך אכול בשמחה

עדויי במה טוב[223]
זבדם רנה וטוב[234]
ושתה בלב טוב

בחונה בסיחה
יאמר לה בבטחה
לך אכול בשמחה

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[215] Vgl. Ps. 17, 15.

[216] Vgl. Ps. 31, 20.

[217] Ps. 95, 6.

[218] =barfüssig, das Nomen יְחוּף schon b. Yoma 77a, s. Levy, II, 237; Ben Jehuda, IV, 2727 punktiert יָחֵף.

[219] Ps. 37, 11 und 72, 7.

[220] Vgl. Ps. 85, 9.

[221] Vgl. dazu Lev. R. XXX, 12.

[222] Polel von שיח =sprich zu ihr in Jubel den Vers Qoh. 9, 7. Das ganze Lied ist auf dem Midrasch zu diesem Verse aufgebaut, die einzelnen Versteile treten in dem Liede als Refräns auf.

[223] Anspielung auf Ps. 133, 1 oder auf Num. 24, 5.

[224] Vgl. Gen. 30, 20.

רוגשי בלב טוב
יקשיבו מסלח וטוב[225]
ושתה בלב טוב

קנויה משמחה
ליום הסליחה
לך אכול בשמחה

ישיגו רנה וטוב
רוחשיך[226] אל טוב
ושתה בלב טוב

ימצאו הוד וסליחה (fol. 77b)
דברך הנחה[227]
לך אכול בשמחה

חשו זבוד טוב[224]
קימם[228] בחסד וטוב
ושתה בלב טוב
[כ]כת' אשמעה מה ידבר וג'

אשמיע צאן קדש[229]
ביום כיפור קד'
ב' עושה השלום

השלמנו מנחה ונעילה
בעוז נורא עלילה[230]
אם שגיתי וטעיתי במעשי
רחמני אלוה עושי
אב יהפוך אבלו לששון

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[225] Ps. 86, 5.

[226] Hier transitiv gebraucht, = die an Dich denken.

[227] Esth. 2, 18; hier ist der Sündenerlass gemeint.

[228] 1. קַיְּמֵם = lass sie bestehen, vgl. zum Folgenden Ps. 23, 6.

[229] Ez. 36, 38. Vor der Eulogie scheint etwas zu fehlen. Ob das letzte ככתוב אשמעה hierher gehört?

[230] Vgl. Ps. 66, 5.

GABIROL'S AUTHORSHIP OF THE CHOICE OF PEARLS AND THE TWO VERSIONS OF JOSEPH ḲIMḤI'S SHEḲEL HAḲODESH.

By ALEXANDER MARX, Jewish Theological Seminary, New York City.

I. The two versions of the Sheḳel and their relation to the Mibḥar

PROVERBS have always played a very important part in Hebrew literature and enjoyed great popularity among the Jews since ancient times. We find them in many of the Biblical books[1] and the fact that among the canonical books one is entirely devoted to this subject very clearly points to the prominence given to this branch of literature. The sayings of Aḥiḳar[2] were current among the Jewish colony of Syene in the fifth century B.C.E. and those of Ben Sira enjoyed almost canonical authority in Talmudic times. In the Talmud and Midrash we have very large numbers of proverbial sayings which together with fables served to lend spice to the speech of the Rabbis.

The collection of proverbs discovered by Schechter[3] and Harkavy[4] in the Genizah cannot be definitely dated. Belléli[5] wants to place them among the Apocrypha, but in any case their early origin is probable. Jewish literature was enriched from the outside in this line just as with fables of which those of Kybisses, according to a very ingenious and striking conjecture of Joseph Jacobs,[6] were referred to in the Talmud.

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[1] See Gerson B. Levi, *Gnomic literature in Bible and Apocrypha*, Chicago 1917, I. Ch. Tavyov, אוצר המשלים והפתגמים, Berlin 1922.

[2] The efforts of E. Meyer, *Der Papyrusfund von Elephantine*, 1912, Stummer, *Der kritsche Wert der altaramäischen Aḥiḳartexte*, Münster 1914, and others, to deny the Jewish origin of the book are not convincing.

[3] *J. Q. R.*, XVI, p. 429–42, cf. 776; for the text cp. Gerson B. Levi, l.c. 95–98.

[4] *R. E. J.*, XLV, p. 298–305; המזרח, Cracow 1903, p. 103–8.

[5] Lazare Belléli, *Un nouvel apocryphe*, Livorno 1904

A special impetus was given to gnomic literature by the contact with the Arabs among whom numerous large collections of proverbs were very famous. Those of Ḥonein ben Isḥaḳ became very popular in Ḥarizi's translation as מוסרי הפלוסופים[7]. The numerous collections of this period, the פניני מליצות, משלי ערב etc., enjoyed considerable vogue. But the most popular of them all is the collection known under the title מבחר הפנינים, the only one of them of which we have a fairly good edition[8] based on a number of MSS. This collection which was printed among the ca. 150 Hebrew incunabula[9] and very frequently since has no introduction informing us of its authorship. The only information we have on this point[10] goes back to Joseph Ḳimḥi. His statement, first mentioned by Buxtorf in the second edition of his *Bibliotheca Hebraica*,[11] that Solomon Ibn Gabirol compiled a collection of Arabic proverbs under the title מכתאר אלגואהר and that Judah Ibn Tibbon translated it as מבחר הפנינים has been generally accepted for the last hundred years.

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[6] *The Fables of Aesop* as first printed by William Caxton in 1484. . . . I, *History of the Aesopic fable*, London 1889, p. 121–122. Jacobs corrects משלי כובסים for משלי כובסים.

[7] ed. A. Loewenthal, Frankfurt a.M. 1896, German translation, Berlin 1896 cf. K. Merkle, *Die Sittensprüche der Philosophen von Honein ibn Ishaq in der Ueberarbeitung des Muhammed ʿAli-al Anṣari, Leipzig*, 1921.

[8] ed. B. H. Ascher, London 1859 with English translation.

[9] Soncino 1484.

[10] The colophon of Codex Brit. Mus. 514, Cat. Margoliouth, II, p. 121–122, mentioning Solomon ibn טפו of Marseilles, as translator shows a confusion of Solomon ibn Gabirol with Judah ibn Tibbon; see Cat. Bodl. 232, Renan-Neubauer, *Les écrivains juifs français*, Paris 1893, p. 10.

[11] In the first edition of his *Bibliotheca Hebraica*, 1613, Buxtorf ascribes the book to Yedaja ha-Penini fifteen years before Gaulmyn to whom Steinschneider, following Wolf, ascribes this identification. In 1634 Jacob Roman wrote to B. that he possessed a copy of the שקל הקדש (*R. E. J.*, VIII, 79) and eight months later sent it to him (ib. p. 94). In the second edition of the *Bibliotheca*, 1640, Buxtorf states s.v. מבחר הפנינים, the Arabic title, author and translator on the basis of Josef Ḳimḥi's introduction. Roman evidently had sent him a copy of the second version, which is not mentioned among the Basle MSS. in Schwab's list *R. E. J. V.* Where is it now? It cannot be either B or R since it had the Arabic title מכתאר אלגואהר while both B and R as well as MS. Budapest, according to Dr. M. Weiss's information read מת:כל אלגואהר. The form מכתאר is besides Buxtorf's MS. only found on the margin of MS. Pococke (A).

Steinschneider,[12] however, has raised doubts on this point because, as he claimed, it was only found in one of the MSS. of Josef Ḳimḥi's שקל הקדש, a metrical reproduction of a large part of the proverbs found in מבחר הפנינים with additions from elsewhere. Now that the שקל הקדש has been printed[13] from two of the MSS., it is possible to take up this problem anew on the basis of the full material and to carry the investigation a little further. Unfortunately the editor has given us very insufficient information on the second MS. (B) he consulted which, as we shall see, is of paramount importance for our problem.

I had recently occasion to occupy myself with this text when, in cataloguing the manuscripts of the Jewish Theological Seminary, I found a copy of the Parma MS. De Rossi 1393, 3,[14] of the שקל הקדש (in the following R) by S. G. Stern. Trying to determine how much of the text was extant in this fragment, I had great difficulties in finding the corresponding places of various chapters. R happens to be closely related to Gollancz's MS. B, contains, however, only nine chapters with some omissions.

In reference to the pretended authorship of Yedaja of Beziers Aptowitzer, (*R. E. J.*, LV, 93–95) called attention to the fact that in the commentary to Chronicles, ascribed to Rashi in מקראות גדולות 1518, long passages of the Mibḥar are found, the first being introduced by אמר החכם בספר בחינת עולם, perhaps because in some MS. the מבחר הפנינים followed the בחינת עולם without title. These passages are neither found in the edito princeps of Pseudo-Rashi, Naples 1487, nor in the second מקראות גדולות, 1524, and Epstein, החוקר, I, 135 is probably right in tracing them to the פי' שמעוני since they are found at the bottom of the pages and mostly separated by empty spaces from the preceding "Rashi" as is the rule with the פי' שמעוני. They also interrupt that commentary and are in no way connected with it. How they came into the פי' שמעוני where they are still followed by a commentary on the last few verses of the book is difficult to say.

[12] Cat. Bodl. 2320–22, *H. B.*, I, 74, II 62, *Hebr. Übers.*, 387–88.

[13] *Shekel Hakodesh*, the metrical work of Josef Ḳimḥi now edited for the first time from MSS. at the Bodleian with an English translation, introduction and notes. . . by Herrmann Gollancz, Oxford 1919.

[14] Perreau, *H. B.*, XII 32 and Cat. Parma, nr. 16, 3. The introduction is printed from this MS. in *Jeschurun*, VIII, German part, p. 68, note.

Examining this MS. I was enabled to realize much more clearly the difference between the two MSS., used by Gollancz, than it is possible from his edition.

Even a cursory examination of the two texts compels the conclusion that we have before us two different versions of the book and not merely two divergent MSS. The subjects are grouped quite differently and the chapters conclude with different final stanzas, even in the few cases where they contain the same number of verses.

I shall in the following designate the version printed in full by Gollancz as I and the one contained in MS. B and R as II.

It is noteworthy that the famous reference to Gabirol's authorship of the original Arabic work and to its Hebrew translation by Judah Ibn Tibbon is only found in the two MSS. of II, while, as we learn from Gollancz's notes to the text, it has been added on the margin of MS. A, evidently from another source and by a different hand. Dr. Weill informs us in his review[15] that it is not found in the Paris MS., which clearly belongs to version I. The same is the case with the Cambridge MS., Add. 377, 8, the existence of which I learned through a note of Halberstam and of which my friend, Dr. Davidson, obtained a photograph which he kindly placed at my disposal. This MS. also represents version I and has not the passage about Gabirol. Unfortunately, however, a number of leaves are missing in the codex. Just as this MS. confirms my theory in a negative way, I learned through a communication from Dr. Max Weiss, Budapest, that MS. D. Kaufmann 528,[16] which was written in 1358, confirms it positively. From a copy of the preface and the list of chapters, which he kindly communicated to me, I learn that this MS. belongs to version II of which it seems to be the only complete representative. It has the reference to Gabirol and Ibn Tibbon. The occurrence, therefore, of this statement in only part of the MSS. cannot be used any longer as an argument against its authenticity. If it is characteristic of the one version, it is only natural that it does not occur in the other. Since, as we shall see at the end of this paper, Ḳimḥi himself quotes II, this reference can thus be traced back directly to him and was neither interpolated by a copyist in the one group of MSS. nor arbitrarily omitted by carelessness in the other. Its authenticity can no longer be doubted.

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[15] *R. E. J.*, LXX, 219–23. The introduction of this MS. had been printed previously with other extracts by Dukes, *Literaturblatt des Orients* VII, 728 as usual with him, incorrectly.

[16] It is curious that this MS. has the heading מבחר הפנינים at the beginning.

If we examine the two versions we find that I was divided into twenty–two chapters, according to the number of Hebrew letters, as Joseph Ḳimḥi states expressly in the preface. The number of chapters of II is not given in its preface nor does Gollancz inform us on this point. In his comparative table, p. 130–31, he only gives the corresponding headings of II up to its chapter 20 without indicating why he stops there. Even with this limitation a glance shows us that the order of II is much closer to that of the Mibḥar than I, a point which will become even more evident when we consider the full list of chapters of II as we shall try to establish hereafter.

In I the sentences of various, not consecutive, chapters of the Mibḥar are combined into one and Ḳimḥi probably did not consider it necessary to connect the name of the compiler of the Arabic collection with his book since he gave the sentences in a new poetic form, added to them from other sources and thus neither followed Ibn Gabirol's arrangement of the proverbs nor did he limit himself entirely to his selection.

In II, however, he divided his original chapters, mostly in accordance with his source, and increased their number to 39 which he rearranged on the whole in the order of Ibn Gabirol's Choice of Pearls and therefore he might have considered it proper to give the name of the original author. The fact that he added to this the reference to Judah Ibn Tibbon's prose translation, permits us to venture the hypothesis that the latter had appeared simultaneously with his own or shortly after it. Perhaps the critical vein of the educated readers of Lunel, of which Ibn Tibbon complained in the introduction to his translation of Baḥya's תורת חובות הלבבות, had some influence with him. They may have noticed the close parallels between the two books and made their remarks about his suppression of Gabirol's name. Such criticism may have originated in the circles of his rival who probably was not a special friend of his; at least that is the impression one gains from Ibn Tibbon's introduction to his translation of the second part of Baḥya's book. Perhaps some day a dedicatory letter of Ibn Tibbon may be found, like the one to Ibn Gabirol's תקון מדות הנפש,[17] which will throw more light on this point. It remains curious that the introduction to II has no word about the other version which in my opinion preceded it for quite some time and thus had already spread sufficiently not to be suppressed by the revision. Both versions were copied again and again and reached us in a number of MSS. The other difficulty, pointed out by Steinschneider, that in our introduction Ibn Tibbon is stated to have come from Seville, while he generally[18] is referred to as hailing from Malaga, does not seem to be very serious. He may have lived in both places for many years before he settled in Lunel.

In this connection it will not be out of place to mention a suggestion of Dr. Davidson strengthening Judah Ibn Tibbon's claim of authorship of the translation of the Mibḥar. He points out[19] that the contemporary traveller, Josef Ibn Zabara, whom Josef Ḳimḥi also knew,[20] places a considerable number of proverbs taken from the Mibḥar into the mouth of an old man, by the name of R. Judah, meaning probably the translator whom he may have met in the course of his travels and who might have entertained him with specimens of his work.[21]

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[17] ed. Steinschneider in the appendix to Cat. Michael, אוצרות חיים, Hamburg 1848, p. 366–7.

[18] See *Hebr. Uebers.*, p. 388.

[19] *Sepher Shaashuim*, N. Y. 1914, p. XXXIX–XL. The date 1167 as that of the translation of the Mibḥar, which is repeated here from earlier sources, has no real basis; see Cat. Bodl. 2322.

[20] ib. p. CIX–CX.

[21] In his introduction to *Selected Religious Poems of Solomon Ibn Gabirol*, Philadelphia 1923, pp. XXX and 133, Davidson accepts S. Sachs's theory that works of Ibn Gabirol are meant by the twenty books of King Solomon mentioned in Abu Aflah's ספר התמר which Johanan Alemanno excerpted. The third of them, ספר משלים, Davidson assumes to refer to our book. The respective passage of Abu Aflah, which Steinschneider published, הכרמל VI, 116, reads: אמר ובהתפזור המאמר יתקבץ האומר ויתרחב האמור אמר וכבר התבאר זה בספר המשלים Steinschneider (*Hebr. Uebers.*, p. 379, n. 75) expressed his doubts about Sachs's hypothesis and I do not think the point is clear

II. The Order of Chapters in Version II.

While version I is now accessible in Gollancz's reprint of MS. A, it will be advisable to give more detailed information about II and to prove our previous statement as to its closer relationship to the Mibḥar. The publication of Gollancz does not give us sufficient data on this point, but my colleague and friend, Dr. Davidson, who decided to undertake a real edition of this book procured, among others, a photograph of B which he readily put at my disposal. A careful study of this and the copy of R makes it possible to get a fairly definite idea of II, even though there are some gaps in the MSS.

It may be convenient to start with the result and to present a list of the chapters of II, supplying the gaps of B in square brackets, and afterwards give the proofs that they belong there. In the following list we find the chapters of II and the stanzas they embrace,[22] according to Gollancz's (not always correct) numbering as well as their place in I. Where the chapters of I are divided in II, I have added the letters a, b, c, in order to show the changes of arrangement conveniently in detail. The first column contains the parallel chapters in the Mibḥar, which could be easily ascertained on the basis of Gollancz's useful list of parallels[23] in the two books, his only really valuable contribution to the study of the Sheḳel Haḳodesh. Where Ḳimḥi drew upon other chapters besides those bearing the same heading, their number is added in brackets.

No. in מבחר	No. in II שער	Stanzas according to Gollancz's numbering and chapters of version I.
1 (2)	1 החכמה	1–55 (I)
3	2 הענוה	60–77 (II)
4	3 המחילה	323–30 (XIVc)

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enough to be used as an argument for Gabirol's authorship, unless it is shown that the quotation of Abu Aflah occur in the book. See now G. Scholem's edition of ספר התמר, Jerusalem 1926, p. 5 note 2 against this hypothesis. The quoted passage occurs p. 17 of his edition.

[22] No account is taken of the stanzas not found in A which Gollancz placed into the notes. Reference to those would only complicate the list.

[23] P. 126–29.

6		4 האמונה 145–47 (Vb)
5		5 המתון 160–64 (VIIa)
7		6 הבטחון 150–54 (VIa)
8		7 התקוה באדם 155–57 (VIb)
9		8 הסבל 165–71, [172–73 (VIIIa)
10		9 הספוק 175–88 (VIIIa)
11		10 היאוש 189], 190 (VIIIb)
12		11 הבושת 124–26 (IVb)
15		12 עזיבת התאוה 128–44 (Va)
16,30		13 החסד והצדק 192–205 (IX)
17		14 ההכרה 332–38 (XVa)
19		15 ההנהגה 339–40 (XVb)
20	(21–25)	16 חברים ואוהבים ותפישתם 259–99 (XIIIa)
27		17 ישיבת החברה 300–308[24] (XIIIb)
26		18 קבול התנצלות 315–22 (XIVb)
28		19 בחינת האוהבים 310–14 (XIVa)
29		20 סתר הסוד 342–43, 345–51 (XVI)
31		21 הצניעות 118–23 (IVa)
32		22 השתיקה 227–37, 240, 238–39, 241–44 (XIa)
33		23 יתרון הדברים הנכונים על השתיקה 245–50 (XIb)
34		24 המלך 353–63 (XVII)
35	(36)	25 אהבת האמת 252–57 (XII)
39		26 הבקור 401–3, [404–7 (XXIa)
40		27 בקור חולים 406, 405, 407^{1-3} (XXIb)
44	(45)	28 הפרישות 80–88], 89–94, 98–99, 96, 97, 100, 78, 79, 101, 103–4, 102, 105–16[25] (III)
46		29 הרש 207–10 (Xa)
47		30 השאלה 211–25 (Xb)
48		31 הקנאה 379–81, 383–86 (XIX)
49	(50,51)	32 החנף ולשון הרע 388–92, [393–94 (XXa)
52		33 שכן רע 395–97a (XXb)
53		34 השנאה 398, 397^{3-4}, 399 (XXc)
54		35 הכסילות 365–370, (XVIIIa)
55		36 הגאוה 374], 375–77 (XVIIIc)
56		37 האולת 371–72 (XVIIIb)

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[24] In K 305 precedes 304.

[25] In K 92 precedes 91, and 103 comes before 101; both B and K add a line before 102, which Gollancz overlooked.

59	38 הכבדות	410, 409, 408, 411–414[3] (XXIc)
42 (61)	39 חבור המוסרים	416–24, 58, 425 (XXII)

The first gap of B occurs in ch. 8 where in this MS. stanza 190[26] follows 171. But the concluding stanza indicates that 190 belongs to a chapter consisting of four verses (מנין אב"א) and accordingly cannot refer to the much longer chapter. Now R has the end of שער הסבל (ch. 8) with the concluding stanza

[27]וכך שכל סבל הטה בעזרך חי
מנין חרוזיהם עלו במספר ח"י

and the beginning of שער הספוק (ch. 9). As 189 and 190 correspond to § 173 and 175[28] of the שער היאוש in the Mibḥar and together form four lines, as required by the above mentioned stanza, I gave them the heading of this chapter of the Mibḥar.

The second gap has troubled Gollancz; in note 6 to ch. 3 (p. 66) he remarks that the couplets of שער הפרישות from 89 onward are misplaced in B under שער הבקור. As a matter of fact the end of ch. 26 שער הבקור and the beginning of שער הפרישות are missing in B.[29] In both instances a leaf was missing in the MS. serving as text to the copyist of B who did not notice it.

The third gap is not due to the copyist but to the loss of a leaf in B between fol. 16 and 17, as shown by the catchword אל at the bottom of fol. 16, while 17 begins with אדם. The concluding stanza clearly belongs to שער הגאוה:

בני איש לובשים גאוה כששלחן [30]עורכים אל גד
ומנין בחרוזיה המספר תספר ג"ד

Of the seven lines of this chapter only five are extant on fol. 17, but there can be no doubt that the two lines of nr. 374 complete the number. I have supplied שער שכן רע and שער הכסילות on the basis of the Mibḥar, because שכן הרע of XX is omitted in B in the heading of 31 and therefore formed a separate chapter. The same must be the case with שער הכסילות of XVIII, since שער הגאוה and שער האולת are accounted for. I do not think that there can be a serious doubt about the correctness of the above table of the chapters of II.[31]

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[26] Gollancz reprinted it p. 69 in the notes to VII instead of giving the variations in their place, רש for רשע agrees with Mibḥar, § 173, and נואש is preferable to נושא.

[27] K reads more correctly שכמך לכל סבל.

[28] If 190 is to agree with Mibḥar 175, we must read במתת האנוש for במיתת.

[29] In the conclusion which reads correctly

עמדה על דרך הברים וחשוק לה מפעל הזכים
יראה לך מאחריתך בחרוזים כספר הזכי"ם

הזכים fits שער הפרישות, not שער הבקור.

[30] So MS. Gollancz, p. 96, has (?) כשלשתן.

Glancing over column 1 containing the parallel chapters of the Mibḥar we gather that in several instances Ḳimḥi combined two or more chapters of Gabirol's collection into one. Only rarely did he do thus with passages not found in consecutive chapters of the original as in his ch. 18 with 16 and 30 of the Mibḥar, only 5 and 18 of his chapters slightly modify the order of Gabirol, besides 39 which he left in the last place as in I. Of the thirteen chapters of the Mibḥar, not represented in this column,[32] three consist of only one sentence each,[33] six of two,[34] one (64) of five sentences. Thus only three large chapters were left out; but sentences of the long chapter 43 (שער מצות החכם לבנו) which deals with miscellaneous topics, were used in various other chapters as was one from 38 in ch. 25. While most of the chapters were thus drawn upon, a very considerable part of the 652 paragraphs of the Mibḥar[35] evidently find no parallel in the Sheḳel. Gollancz's list of parallels can possibly be increased, especially when the lines omitted in A which are printed in the notes are taken into consideration. For the purpose of the present investigation which only aimed to show the closer relationship of version II with Gabirol the above is quite sufficient.

III. The Number of Lines in the Chapters.

In the preceding the number of lines stated by the poet in the concluding couplets of each chapter have been repeatedly referred to, and have served as guides in determining the gaps of

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[31] On the basis of Dr. Weiss's letter I only had to insert according to MS. Budapest chapters 27 and 34 which I had combined with the preceding ones.

[32] 13, 14, 18, 37, 38, 41, 43, 57, 58, 60, 62, 63, 64.

[33] 57, 58, 62,

[34] 13, 14, 18, 37, 41, 60, 63.

[35] Steinschneider, *Hebr. Uebers.*, p. 383, note 106b, points out that the numbering of Asher is not always correct.

B and in reconstructing version II. It will be useful to pay a little closer attention to them and to show how they ought to have been consulted in constructing the text.

It is more than astonishing that an editor could print and translate such couplets regularly at the end of every chapter without ever feeling the curiosity to test the correctness of their statements. But that would have required more serious efforts than he has bestowed on his texts.[36]

At first glance a comparison of Ḳimḥi's figures with the actual number of lines reveals in almost every instance most striking discrepancies and might lead to the idea that the much larger number of lines be due to continuous interpolations. A closer inspection reveals this increase however to be due to inaccurate division of lines in the printed text. If in contradiction to the expressed statement of the introduction, that each chapter ends with two חרוזים, we find them printed in four in chapters V, IX and XIII, we realize what we may expect from this "edition."

The first guide in the division of lines as in the construction of the text in a poetic work is rhyme and meter, but, as Dr. Davidson showed in his review,[37] these do not exist for Dr. Gollancz. Otherwise he would have seen that stanzas like nr. 4 can only form two lines. If he had even superficially[38] compared the passages quoted by Ḳimḥi himself in his commentary on Proverbs, which he prints from a MS. copy of his library, p. 84–87,[39] he would have noticed the more correct arrangement of lines in these; compare, e.g., nrs. 93, p. 86, and 286 and 404, p. 87.

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[36] Similarly in his otherwise meritorious edition of *Dodi ve-Nechdi of Berachya Hanakdan*, Oxford 1920, he follows the frequently incorrect Munich MS. in the wrong order of the questions, placing the author's preface before question 11. He should, of course, have rearranged the text and put nos. 1–10 of this MS. after 46, where they occur not only in the Latin original of Adelard of Bath, but also in the short version of MS. Oxford and Florence which he prints according to the former. He does not even inform the reader that his number 11 is found as first in MS. Leyden (Scaliger 15, 10). He fails to quote the readings of this MS. even as far as they are given by Steinschneider in Cat. Leyden, p. 375, and *Letterbode*, VIII, 31–2, though in some instances they are distinctly better (e.g. p. 11, 1.4 אין להוסיף as in MS. Oxford p. 47, line 6 of his edition). The reading, for which he attacks the late Joseph Jacobs ופנינים לפני חזירים, is rightly preferred by Steinschneider and Renan-Neubauer to the corruption in MS. Munich. We might expect a little more judgment and circumspection from a modern editor.

[37] *J. Q. R.*, *N. S.*, XIII, 510.

[38] J. Weill, *l.c.*, shows that he did not even notice where they contain missing lines.

Where the stanzas are very short Ḳimḥi did not divide them into two lines but wrote them in one. Thus 43, 346, 383 and the first two lines of 214 are printed in this way in the commentary on Proverbs and p. 84–86, but not in the text. Here no system is followed.

A detailed examination of a few chapters will show how the text was written by the author and that much more than mere questions of formal arrangement are involved.

The first chapter in I is to consist of 140 lines (לנ״ס), but has 145. If we reduce nrs. 4 to two lines and 20, 33, 42,[41] to one each, we get the text to conform with the statement of the author.[42] In II the chapter ought to have 132 lines according to the final couplet.[43]

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[39] In this MS. stanzas 18, quoted in the commentary to 3, 16; 175, quoted to 11, 17, and 340, quoted to 29, 15, have been skipped. Stanza 199, it may be added, is quoted in Ḳimḥi's commentary to Job 36, 22 (*R. E. J.*, XXXVII, p. 93). 19 is also quoted in the מנהי״ג, fol. 5b, ed. Berlin; cf. Cassel in *Zunz Jubelschrift*, p. 135. For the quotations in the commentary on Proverbs the variants and corrections of Eppenstein, *Z. f. H. B.*, V–VI, from MS. Munich, ought to be consulted.

[40] In the following I refer by P to MS. Paris according to Dr. Weill's collation (*R. E. J.*, LXX, *l.c.*); by C to MS. Cambridge; by R. to MS. de Rossi. C consists of 11 leaves; between fol. 4–5 three leaves are missing comprising the last three lines of ch. 2 up to ch. 6, stanza 154, l. 1; between leaves 7–8 two leaves covering stanza 256 to the last line of ch. 13 stanza 309. The MS. breaks off with the heading of ch. 20. In R, or its prototype, 3 leaves are missing in the middle containing stanzas 41–49; 71–77, the concluding stanza of chapter 2, and 323–24; 151–154, the concluding stanza of chapter 6, and 151–157. The MS. breaks off in chapter 9, stanza 178.

[41] The three are written in single lines in B, 20 and 42 also in C; B has also, e.g., 43 in one line, A, which divides the stanzas by remarks like אחר, אחר דכותיה or sometimes סליק etc. has after 20, which is written on 1½ lines, תם זה בקוצר. I realize the difficulty of selecting somewhat arbitrarily some of the short verses and omitting others. I do not insist on this selection, but only on the method. I furthermore wish to point out the possibility that more stanzas may have been lost, as was suggested to me by Dr. Davidson, with whom I discussed the problems dealt with in this paper at various times.

דרוש חכמה קנה בינה   ועול מוסר תהי קבל
ותבין בחרחיהם   ומספרם ספור קב״ל

In this version the last seven lines of I are omitted. Four of these are in Aramaic, a language otherwise not used in our book. This may have influenced the author to drop them. Besides these, B omits a line in nr. 17 and one in nr. 26 combining parts of lines 2 and 3 into one while R omits line 3 of nr. 26 and nr. 32. As the two manuscripts do not agree here, we can assume that both suffered corruption and that in all these instances II agrees with I. Both MSS., however, omit the last two lines of 53 and therefore only have 131 lines.[44] A line must therefore be missing in both.

The second chapter of I must have 42 lines (לב״י) but this time we find only 39. There is, however, one line missing in A between nrs. 65 and 66 which occurs in P as well as in B and R and we probably have to divide 68 and 76, line 1, into two lines as found in C. In II the last seven lines are transferred to chapter 28, but the poet claims 41 lines for the chapter. There must be several stanzas missing. Nr. 373, which we find in B before 60, seems to be misplaced as it properly belongs to chapter 35.[45] In R unfortunately a leaf is missing after nr. 70.

Chapter III contains 87 lines instead of 76 (לי״ו) in I, but if we write 93, 97, 105 in two lines and 93, 109, 104, 110, 111 in one each, all is correct. In II this chapter forms the 28th and has 82 (הזכ״ם) lines.[46] A line is added after nr. 90, two lines after nr. 95, and seven lines (nrs. 78–79) are transferred from the end of chapter II. Thus ten lines are added, but against this four are omitted, viz. the third line of nr. 92[47] and the three lines of 95, an omission thus shown to be correct by the final stanza.

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[42] The omission of the first verse of 46 in P is therefore due to an error of the copyist.

[43] The editor misread his MS. and gives an impossible text.

[44] K has three lines of no. 26. B, R, and K wrote no. 20 in one line, thus reducing the number by one more.

[45] K agrees, however, with B.

[46] Gollancz wrongly reads הזרים. The first twenty lines, nrs. 80–88, are missing in B; see above

Chapter IV contains 23 instead of 20 (חז"ה) lines; we only have to reduce nr. 125 to three lines in accordance with the rhyme. The omission of line 3 of nr. 120 in P is therefore a copyist's error. In II this chapter is divided into chapter 21 consisting of 13 (אז"ה)[48] and 11 consisting of 7 (ה"ב) lines. The omission of 122 in B is therefore an error.[49]

Chapter V has 47 instead of 46 (בלבב"י) lines. Here nr. 131 undoubtedly must be printed in two lines. Accordingly one line is missing in A.

In II the first part of this chapter occurs as the twelfth which has 41 lines adding two lines before 134 and two more before 138. The second part of chapter V forms the fifth chapter in II consisting of eight lines and concluding with the stanza[50]

היה רודף ורץ אחר אמונה כמו יונק אשר ירוץ אלי דד
ותלך כל ימותיך בבטחה ואם תמנה הרחיה מנה ד"ד

I think these examples show how necessary it is to pay close attention to Ḳimḥi's numbers of the lines, in order to determine the correct form of the two versions and to find out in many instances of divergency between the manuscripts whether we have before us additions made by Ḳimḥi in the second version of his book, which in an edition of version I may find their place rightly in the notes, or omissions of the copyists which ought to have been incorporated into the text. I do not think it necessary to pursue this investigation any further. Together with the list of the contents of II the preceding remarks show sufficiently the changes of arrangement and the additions and omissions[51] made by the author in his revision. How far he changed the readings of his verses is a question which can only be solved by a detailed study of the text on the basis of all the MSS. and be better left for the new edition we may expect from the expert hand of Dr. Davidson.

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[47] This line occurs, however, in K.

[48] Gollancz prints the final couplet in the wrong place in note 30 of chapter IV instead of note 15.

[49] As a matter of fact it occurs in K.

[50] Gollancz neither gives this couplet nor any variants from B to nrs. 145–148. He evidently did not see that they are found in this place in his text and simply suppressed them.

Even where no changes were introduced in the chapters, Ḳimḥi, as mentioned above, wrote a new conclusion. I gives the number of verses as ויד"ו in XVII, II in the corresponding ch. 24 as בבטח"ה, I has הו"ד in XIX, II in 31 ד"י. In XII (and 25) he uses the same word but the stanzas are otherwise entirely different. In IX and 13 the text of both versions agrees, but I counts 25, II 27 lines. Did Ḳimḥi perhaps count nrs. 195 and 198 as single lines in I and as two lines in II? Such possibilities will have to be taken into consideration in a critical edition of the book.

There is one more chapter to be discussed here, since it may help to establish the authenticity of the second version. XI has 59 instead of 54 (מי"ד) lines. Properly arranged numbers 233, 238, 241, 248 form one line and 242, 249 two lines each. We thus have only 51 lines, but three missing lines are found in P, which like B has two lines before 241 and inserts one in 285 between 1.5 and 6.[52] In II this chapter is divided into two, 22 and 23, the former consisting of 48 (כח"ך), the latter of 10 (א"ט) lines. The respective lines of ch. 23 in I are 9 but II adds a line before 250. In 22 I has 45 lines and, while two are evidently missing in B, it has one line more in nr. 235 between lines 2 and 3. This line occurs neither in A nor in P but it is found in Ḳimḥi's own quotation in the commentary on Proverbs. Accordingly, Ḳimḥi himself quotes the passage in the form he gave in his second version and therewith every doubt as to its authenticity disappears. The most important result of our paper that Gabirol's claim to authorship of the Choice of Pearls rests on an authentic statement of Josef Ḳimḥi thus finds welcome support from the examination of the text itself.[53]

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[51] As we have no complete MS. of II before us, we cannot determine whether Ḳimḥi actually omitted verses in II or perhaps these are only cases of transpositions as we found them in respect to the seven verses of the second chapter transferred to ch. 28 in II.

[52] The line, missing in 244 and supplied by the editor from B, is found more correctly (עוד יש דברים) in C and P and therefore belongs to I.

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[53] Some time after this paper was sent to the editor of the *Scripta Universitatis Hieroselymitanae* I received, through the kindness of Prof. Blau and Dr. Weiss, a complete photograph of MS. Kaufmann of the Sheḳel Haḳodesh. On its basis I made a few corrections in the notes to the preceding paper and gave more exact information on the lines of four of the chapters. Now, after more than three years, when the article was returned to me, I do not wish to take up the subject anew and leave it in its original form. I only have to add a statement about the conclusion of the book:

Like B, K has no concluding stanza for the last chapter. In both we find after stanza 425 a poem beginning:

אני גבר יגון פרוד דחפו טרדו החרי וכדור אספו (וכבוד צנפו B)
והציבו למטרה זמנו לחץ יגון ומכל צד אפפו

consisting of 29 lines and concluding:

יהי רצון וחפץ מאלהים לשובב נענה יומו דחפו
ויזרח לו מאור שמש צדקה ומרפא לו יהי לו עם כנפו

The poem does not contain any reference to the book. Gollancz, p. 78, rightly refers to it as a personal poem, but it seems to belong to II. The stanzas 426–430, omitted in K and B, do not have a parallel in the Mibḥar according to Gollancz's list, just as some of the other verses of I, omitted in II, such as 344 and 382.

On the basis of the complete text of II we can now compare the number of lines in both versions. I, according to the concluding stanzas, consists of 869 lines, while II has 902 including the 25 of the last chapter which, as mentioned above, are not counted. Thus Ḳimḥi added a considerable number of verses in the revision, especially if we consider that a number of stanzas of I were omitted. The fact that the text of II was thus enlarged certainly speaks in favor of the theory that II is the later revised text. A careful comparison with the Mibḥar might considerably strengthen the theory that Ḳimḥi's revision aimed very largely to make his book conform to Gabirol's original. A new edition of the book ought to represent the second version and give us the book in the final form into which the author put it.

תעודות מכתבי־יד.

מאת יעקב משה טולידאנו—טאנגיר (מארוקו).

א.

אגרת

משרידי הגניזה במצרים

בשנת תרע"ג הייתי במצרים ונזדמן לי לקנות מזקן ספרדי אחד איזה תכריך של כתבי יד אחדים, שביניהם נמצאו מספר אגרות מגניזת פוסטאט–מצרים. כפי מה שהודיע לי הזקן הנזכר, היו אנשים שחטפו כמה גליונות מהגניזה בו בזמן שהד"ר שכטר היה עסוק בחפושה, ומהאנשים ההם הציל הזקן הנזכר אגרות אחדות, שהיו לי למקנה מאתו. אחדות מהם פרסמתי בהקובץ „מזרח ומערב" שי"ל ע"י ה' אלמאליח בירושלים, כרך א', חוברת א–ו, צד 44–350, וכעת הנני מפרסם בזה אגרת ארוכה נכבדה מאד שיש לה ערך חשוב כל כך כפי שהננו רואים להלן. אגרת זו כתובה על גליון ארוך, ארכו בערך 45 צמ' ורחבו בערך 15 צמ', בכתב מרובע הרגיל אז בתקופת הגאונים. וזה נוסחה:

ואומר מי יתן לי אבר כיונה אעופה ואשכונה וג' אל תירא כי אתך אני אל תשתע כי אני אלהיך וג' מגדל עז שם יי בו ירוץ צדיק ונשגב וג',

כי תעבור במים אתך אני ובנהרות לא ישטפוך כי תלך במו אש לא תכוה ולהבה לא תבער בך וג'.[1]

כמא בי אליך יא ואלדי אלעזיז עלי וענ.. וטאנ.... (פה כשתי מלות אי מובנות, מיושן הכתב), ואדמם האיידך ונעמאך ו.... (כנ"ל) אלמהין..... חוסן אלתופיק לא אכלאף ג̇מע אללה בינא..... (כנ"ל) אנה ולי דלך ואלקדר עליה אן שאללה יעלם בורא הכל מא יבדי מן אלשוק אליך ואלתוק לדיך לו הממת אן אצף בעץ̇ דלך למא וסעה' כתאב ולא כטאב ווצלני כתאבך אלכרים מן מרבאט [?] וכאן לי כמים קרים על נפש עיפה, נפ... (כנ"ל) וגרא עליך ועז עלי דלך ולאכן ברוך יי עלי סלאמת..... (כנ"ל) באלדניא ומא פיהא ואמא מא טרא עליך מן פצ̇איל לא יזכר אלא במעשיו הרעים פמא כאן פי אלצ̇ן אלא דא וה..... (כנ"ל) מעות לא יוכל לתקון ואמא גיר דלך וצלני מן תפצלך מע בן אלבקאל קאדורה י.. ך צפא פי תמנהא תמאניה עשר דינאר דפעת מכס תלאתה דנאניר גיר רבע עליהא ועלי אלצנדל ועלי אלתוב ואלבורדה לאכנהא מאהי שי תנלבס ולא תוצלח אלא ללוסט ודפעת איצ̇א לסת גוהר כמסה דנאניר ואמא אלצנדל לם אביעה אעלמת

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[1] על איזה אותיות מהפסוקים הנ"ל נקוד שלש נקודות בדמות סגול מהופך.

מולאי דלך ואמא מא אנא עליה פאן כונת פתחת דכאן וגרא עלי אלנאס כסאד עט̇ים וכנת קד בקית מריץ̇ תסעה שהור באלמותלתה וחמא אלכבד ומא קלת ולא קאל אחד אנני יכון לי כלאץ̇ מנהא וטרא עלייא עוקבא דלך צ̇יק נפס אקמת בה שהרין פלולא מא אלחק רוחי ואקום מן אלדכאן כונת קד הלכת ואנא אליום בטאל קאעד מן קאעת יוסף׳ אלי דכאן בן אלתלמיד ואנא כל לילה אקרא ענדה לוקת מן אלליל ואמא גיר דלך אן כל מן לנא ענדה שי מא אכדנא מנה שי ולא מעהום שי נאכד ופי הדה אלמדה רסמת עלי אבו אסחאק בן אל שופא באלתמאניה דנאניר אלדי כאנת לנא עליה פי אלאגארה ואקאם מעה׳ אלתרסים עשרה איאם פכרג מנה עלי אלרייס כלמברג קיביח וקאל לה אנא נסלם ונעמל פיך אלנציחה ללסלטאן בכדא וכדא דינאר וצאר אן מא לקיה יגוות עליה ויקול לה׳ מא נחתכם אלא ענד קאצ̇י אלקצ̇אה מן לה ענדי חק יחלף עליה ויאכדה אכרה׳ אן תוסטו אלנאס בינוא ואכדת מנה סתה דנאניר ולולא אכודהא מנה מא קדרת נאכוד שי ואמא גיר דלך אן כאן וצל מן ענד אלשיך יוסף קטיעאת צנדל מן דא אלמקארב וקאל אן קימתהם תלאתה דנאניר מלכיה וקאל אשתרי לי בהם מראוח וברווהום וקד אשתרית לה עשרין מרוחה וברוחתהא לה ופצל ענדי מן קימתהם כמסה ועשרין דרהם אתפצ̇ל אקבצ̇הא מנה והם צחבה אלשיך אבו אל מפצ̇ל בן סלאמה אן שאללה. ואמא מא תריד עלמה מן אכבאר אלמגרב אלדי כל שמעיה תצלינה אזניו וצלו אלנאס ואקואם איצ̇א יהוד ממן כאן חאצ̇ר פי אלמערכה ואכבר אן אלסוסי עבד אלמומן נזל עלי אלאמיר תאשפין פי והראן וחאצרה וקתל עסאכרה וקתל אלאמיר תאשפין וצלבה תם אנה פתס תלמסאן וקתל כל מן פיהא אלא אלדי אפשעו פענד מא אתצל אלכבר באהל סגלמאסה קאמו עלי אמירהום ואשהרו אלכלאף עלי אלמראבטין ואכרוגהם מן אלבלד ואנפדו ורא עבד אלמומן וסלמו לה אלבלד ובעד מא דכל אלבלד·צ̇ם אליהוד ואערץ̇ עליהם אלפשעות בעד אן בקיו מעה׳ סבעה שהור פי אלמראודה וכאנו טול הדה אלמדה פי תענית וצלאה ובעד דלך גא קאיד מן קיאדה וטלב מנהם אלפשעות ותאבו ען דלך פקותל מנהום עלי ייחוד השם מאיה וכמסין יהודי הצור תמים פעלו וג׳ ברוך דיין האמת שופט בצדק ואמת וג׳ באשר דבר מלך שלטון וג׳ ואפשעו אלבקיה ואול אלפושעים יוסף בן עמראן דיין סגלמאסה על זה אספדה ואלילה וכאן קבל דכול עבד אלמומן אלי אלבלד וקת קאמו אהל אלבלד אלמראבטין הרב מן אהל אלבלד מן אליהוד חדוד מאית [ין?] יהודי אלי אלקצבה ופי גמלתהום מר יעקוב ועבוד [ועבאס?] עמומתי ומר יהודה בר מר פרחון ואכוה והם אלאן פי דרעא בעד אן אכדו כל מא כאן מעהום ומא נעלם בעד דלך מא אנקצ̇א מן אמרהם ולם יבקי מן גמיע בלאד אלמראבטין נסמא. . . [מלה אחת פה מטושטשת] אלכוארג גיר דרעא ומכנאסה וקהלות אלגרב בעונות כלהם בגדו ומא בקי אחד מן בגאיה אלי באב סלא אסם יהודי קתל מן קתל ואפשע מן אפשע ויום אן כתבת כתאבי הדא גא כבר באן בגאיה אכדוה ואשיאת תבר. . . [כנ״ל] תעאלי יהד קותהם ואלא יב. . איצ̇א אמא. . . אן הו פי נפילה באגל הדם אלדיאר וכדלך קד צח לה סאחל אלב. . בגמלהם מן באב אשבליא. . אלי באב טרטושה ו. . עטים דלך מן אלאנדלסין אנפדו אליה. . מלכוה אלדיאר ומא בקי ל. . . חד פי בלד. . .

הרבו וג. . ודכרו. . . . אן קד אכדוה. . אלפישאניין. . הא ואנמא. . גם תפתאחה פאס קת̇ל מנהא מאי̈ה אלף נסמה וקתל פי מרוכוש מאיה ועשרין אלף נסמה ערפתך דלך ומא הו מן כבר אלא מן חצ̇ר אעלמתך דלך ואמא גיר דלך. . . אכדת מן אלעמיד כמסין דינאר אשתרית מנהא אלדי קדרת עלי שראה ואלבקיה דהב פי אלבית ואכדת מן אלשיך אסחאק אלנצראני ארבעה אמנא מאמיראן מקארבה צח פי תמנהא תסעה דנאניר ואכד מני דינארין ונצף מכס אעלמתך דלך ואמא גיר דלך קד וגהת צחבה אסחאק קפה פיהא אסבידאג ארבעה ותמאניין דר׳ לאזורד מאיה ותסעה ועשרין דר׳ (רב̇ סוס) ערק מגאת תמאניה, בהאן אתני עשר דרהם, גנטיאנה אתני עשר דר׳ תרנגבין י״ג דר׳ סכבינג כמסא וארבעין דר׳ עוד קרח סתה דר׳ זהר בנפסג כמסין דר׳ מסתעגלה ועבנה תסעה גושיר די״ג ג̇נדבדסהר י״א דר׳ אסבנתין כ״ה דר׳ גבתימון עשרה דר׳ תתסלם דלך מנה אן שאללה ואמא גיר דלך יא ואלדי בקאשי משקה בכון אן מא ענדנא גאריה פעסי אן שאללה יכון צחבתך גאריה ואמא גיר דלך צניעה̇ אלכלאפה אכד מן אלשיך אבו אלמכארם ואכוה כמסה מאיה דינאר ופרג אללה ענהם בעד דלך ואלשיך אבו אלמכארם אליום פי גאה עטים מע פכר אלצנאיע אלסאמרי ונחן בנקטע עמר מקארב פי אלטארמה מקאסאה? אלסלאם ודוק אלאהויא? וקד פרגת מודה אלאגארה ומא באגסר אכלמה לאנך מא ערפתני בשי ווצל פי הדה אלאיאם אנס מן סגלמאסי עאלם יקאל לה מר יוסף בן מלאל קרא עלי בן מיגש ומעה׳ כט בן מיגש באלמינוי וגרא לה מע אלרב מקאמאת ומא יפלח אללה בקי פי מצר לאנה מגנון והו יקריך אכץ̇ סלאם ומתשוק אליך ומגתם כיף מא אסתגמע בך פי מצר וכדלך אנסאן יקאל לה בן קצ̇יב מן כבאר פאס הרב מן דוך אלבלאד וסלם הו ואכוה אלואחד ואכברני ען ספר תורה אלדי כנת וגהתה מע בן תאלוית אנה׳ גאבה׳ מעה אלי בגאיה ואנסאן כהן מן אהל פאס יקאל לה בן אלקבאווי והו יקרב לנא קאל ומה מעה שי אלא דבר מועט קעד בה בזאז פי מלך שאשין ואבו אלרביע בן סטלון גמיעא יקרוך אפצ̇ל סלאם ומתשופין לך אן אללה יגמע שמלנא ושמלהם בך עלי אפצל חאל ואבלג גמל וסאלת תפצלך אן תסתעמל לי ערצ̇י ערץ̇ סתה ונצף פיטול סתה או אקל יכון לי טלית ולעל בעזרת שדי יכון גואב כתאבי הדא נצ̇רך אן שאללה ולא יעגבך אלתגארה ותנסאנא פואמונת השמים מא מנה יום זאיד תגיב ענא פיה אלא והו נקץ מן עמרנא סנה ואעלם אן בן אדם מא חיאתה אלא אלנור ואנה נורנא אדא גבת ענא כיף נעיש וקד כאן כתאבי תקדם לך פי מעני בן אלחיפוה בקי ללרב ענדה תסעה דנאניר ואלרב ביטלבני כל יום בהא ומא ביסכתה עני אלא אלתחשים פאללה אללה כד מנה ולא תכליה וקד אשתרית בקיה אלחומון? ועמלתהא מע אלנשאדר פיסלך ואנא אן שאללה אנפדהא כץ̇ נפסק באתם סלאם ואפצ̇לה ואטיבה ואתמה וואלדתי וכרימתי יכצוך באפצ̇ל סלאם עלי קדר שוקהום אליך ותוקהום לדיך ואללה יקרבנא. . . . אגמעין בלקי אן שאללה ואם אבו אל חסן ובנתהא ואבנהא יכצוך באתם סלאם לך אל עומר וטול אלחיאה מסכינה סת אלגרב בנת זכרי מאתת מד סבעה שהור ואלשיך אבו אלמנא גארנא ומן עדנה יכצוך באלסלאם ותקרי ענא אהלנא גמיעהום באלסלאם, שבט אתנ״ט לשטרות

ע"ג הכתב:
. . . . את מרינו ורבינו יהודה. . . . נין הגאונים בר כב' גד' ק. . .
. . . עבדו
המתפלל לאל בעדו שלמה כהן שלום

תרגום עברי.

ואומר וכו' כי תעבור וכו', כאשר הנני אליך אבי היקר על ו. . . . . . וקבלת ידיך וחנינתך ו. . . . המקל. . . . הטוב המתאים לא זולת יקבץ ה' אותנו. . . . .כי הוא בעל הכל והיכולת יהי רצון. יודע בורא הכל כמה מהתשוקה לך ומהאחול אליך. אילו רציתי לתאר מקצת מזה, לא הכילהו ספר ולא נאום. והגיעני אגרתך היקרה מן מרבאט?[2] ותהי לי כמים קרים על נפש עיפה. . . . . שקרה עליך. וצר לי זה, אבל ברוך ה' על הצלת. . . . . בעולם ובמה שבה. ומה שעבר עליך מן פצאיל[3] לא יזכר אלא במעשיו הרעים ולא היה במחשבה לכך וה. . . . . מעות לא יוכל לתקון, ואמנם מזולת זה, קבלתי מכבודך עם בן אלבקאל[4] קאדורה. . . חתיכה מחירה י"ח דינר, ופרעתי מכס שלשה דינרים חסר רביע עליה ועל הצנדל ועל הבגד והבורדה[5] אבל היא לא תועיל ללבוש ולא תועיל אלא לתוך[6]. ושלמתי עוד להגברת גוהר חמשה דינרים אבל הצנדל לא מכרתיו, הודעתי לאדוני זאת. ובמה שנוגע לי הנה פתחתי מקודם חנות ועבר על בני אדם חסרון עצום, אז הייתי חולה תשעה חדשים בהשלישית וחמימות הכבד, ולא אמרתי ולא אמר אף אחד שתהיה לי הצלה ממנה. וקרה לי אח"כ צרות הנשימה נשארתי בה שני חדשים, ולולא שמהרתי לדאוג לנפשי ולקום מהחנות, הייתי כבר אובד, והיום אני בטל יושב פעם בחצר יוסף[8] ופעם בחנות בן אלתלמיד[9], ואני בכל לילה לומד אצלו לזמן מן הלילה. חולת זה תדע שכל מי שיש לנו חוב מה אצלו לא לקחנו ממנו דבר ולא יש להם מה לקחת מהם. ובזה הזמן 10 רשמתי על אבו אסחאק בן אלשופא בשמנה דינרים שהיו לנו עליו מהשכירות ונתעכב התרשים עשרה ימים, ואח"כ יצאו ממנו על השופט הראשי כלמברג[11] דברים רעים ואמר לו אני אמסור ואעשה לך חיוב אצל הסולטאן בכו"כ דינר. והיה כל מי שפוגש אותו, יצעק ויאמר לו איני רוצה להשפט כ"א אצל שופט השופטים ומי שיש לו חוב אצלי ישבע עליו ויקחהו. ולסוף תָּוְכו אנשים בינינו ולקחתי ממנו ששה דינרים ולולא שלקחתים ממנו לא יכולתי ליקח כלום. וזולת זה קבלתי מאת השֵׁיך יוסף

[2] כנראה שם מקום במצרים או שם האיש מוביל המכתב.
[3] שם איש שעשה איזו רעה לאביו ר' יהודה הכהן.
[4] מוכר מיני מכולת נקרא בערבי בקאל, ושמו העצמי קאדורה.
[5] שם בגד עליון בלשון ערבי.
[6] ר"ל לעשות אותה מעבר השני הפנימי של הבגד, ולא לצד הנראה לחוץ.
[7] תרגום המלה כסאד שבל' ערבי, ור"ל שאין קונים לסחורות.
[8] כנראה הוא אלשיך יוסף הנזכר להלן באגרת.
[9] שם משפחה של חכם ידוע אז באלכסנדריה ושהיה לו גם חנות לסחורה.
[10] תרגמתי המלה כמו בערבי, והוראתה בעברית הוא שעשה קובלנא על וכו'.
[11] השם הזה ניכר שהשופט באלכסנדריה היה נוצרי Clemberg.

חתיכות צנדל מזה קרוב ואמר, שמחירם שלשה דינרים ממלכיים, ואמר קנה לי בהם מראוח[12] עם ווים שלהם וקניתי לי עשרים מראוח עם ווידהם, ונשארו אצלי ממחירם כ"ה דרהם תואיל לקבלם והם עם השיך אבו אל מפצ̇ל בן סלאמה בעזר ה'. ומה שרצית לדעת מידיעות המערב, אשר כל שומעיהן תצלינה אזניו, הגיעו אנשים והמונים גם כן יהודים מאלה שהיו נמצאים במערכה והגידו כי אלסוסי[13] עבד אלמומן התנפל על האמיר תאשפין בעיר אוראן [Oran] וצר עליו והרג אנשי חילו והרג את האמיר תאשפין ותלה אותו, שוב נכנס לתלמסאן [Tlemcen] והרג כל אשר בה חוץ מאשר המירו. וכאשר נשמע הדבר לאנשי סגלמאסה [Segelmassa] עמדו על האמיר שלהם והכריזו מרד על המוראבטין והוציאו אותם מן העיר ושלחו אחרי עבד אלמומן ומסרו לו העיר. ואחרי שנכנס לעיר קבץ את היהודים והציע להם ההמרה, אחרי שנשארו עמו שבעה חדשים בוכוחים והיו כל הזמן הזה בתענית ותפלות. ואח"כ בא נציב מנציביו ודרש מהם ההמרה[14] ומאנו בזה ונהרגו מהם על ייחוד השם מאה וחמשים יהודים, הצור תמים פעלו וג', ברוך דיין האמת שופט בצדק ואמת וג', באשר דבר מלך שלטון וג'. והמירו השאר, וראשון לפושעים יוסף בן עמראן דיין סגלמאסה, על זה אספדה ואילילה. והיה קודם כניסת עבד אלמומין אל העיר, בעת שקמו אנשי העיר המוראבטין והלכו, ברחו מבני העיר מהיהודים בערך מאתים [?][15] יהודים אל אלקצבה[16], ובכללם מר יעקוב ועבוד [או עבאס] דודָי, ומר יהודה בר מר פרחון ואחיו, והם עכשיו בדרעא אחרי שלקחו כל מה שה'ה אתם ולא נדע אחרי כן מה שנעשה להם. ולא נשאר מכל ערי המוראבטין. · . ערי החוף חוץ מדרעא ומכנאסה [Meknes], וקהלות המערב בעונות כלם בגדו ולא נשאר אחד מן בגאיה עד שערי סלא [Salé] בשם יהודי, נהרג מי שנהרג והמיר מי שהמיר. וביום שכתבתי אגרתי זו באה ידיעה כי בגאיה לקחו אותה.. ה' יתעלה ישבור כחם, ואמנם. . ג"כ. . . . כי הוא בנפילה בשביל הריסת החצרות וככה כבר בידם עמק אלב. . בכללותם מפתח אשבליא. . עד פתח טרטושה, ועם רב ג"כ מן האנדלוסים באו אליו. . מסרו לו החצרות ולא נשאר. . . אחד בעיר. . . ברחו ו. . והגידו. . . שכבר לקחוה. . אל פישאניין. .[17] ואמנם. . רצה שתפתח לו פאס [Féz] והרג ממנה מאה אלף נפש והרג במראכיש [Marakesch] מאה ועשרים אלף נפש. הודעתיך זה, ואינו ממי שהגיד אלא ממי שנמצא שם הודעתיך

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[12] השארתי השם הערבי, והוראתה הוא מְשִׁיבֵי הרוח, שעושים במזרח מן עלי התמר וכיוצא ותוקעים בהם ידות.

[13] עבד אלמומן האלמווחידי הראשון היה מִמחוז סוס במארוקו ראה נר המערב פ"ה, וזהו אלסוסי.

[14] באגרת הזאת וכן באגרות הערביות של יהודים קוראים את ההמרה פשעות, והשארתי לפעמים המבטא זה בעצמו.

[15] המספר מטושטש, ואין להכיר אל נכון אם מאה או מאתים.

[16] עיר ידועה במחוז מראכיש בדרום מארוקו.

[17] חבל ששורות אחדות פה נטשטשו ובלו עד שא"א לקורא, וניכר שמדובר מתעלולי האלמוחידין בספרד.

כל זה, וזולת זה. . . לקחתי מאת אלעמיד[18] חמשים דינר קניתי מהם מה שיכולתי לקנות והנשאר הנהו זהב בבית. ולקחתי מן השיך אסחאק הנוצרי ארבעה אמנא מאמיראן[19] בקירוב עלה במהירם תשעה דינרים ולקחו ממני שני דינרים וחצי מכס, הודעתיך זה. וזולת זה עוד שלחתי עם אסחאק קופה בה אסבידאג[20] פ"ד דרהם, לאזורה קכ"ט דרהם, (רב סוס) הוא ערק מגאת ח', בהאן י"ב דרהם, גנטיאנה י"ב דרהם, תרנגבין י"ג דרהם, סכבינג מ"ה דרהם, עוד קרח ששה דרהם, פרחי בנפסג חמשים דרהם, מסתעגלה מבנה ט', גושיר דיג גנדבדסהר י"א דרהם, אסבנתין כ"ה דרהם, גבתימון עשרה דרהם, תקבל זה ממנו בעזר ה'. וזולת זה אתה אבי נשאר מה שאבקש בהיות שאין אצלנו שפחה, נקוה בע"ה תביא עמך שפחה. וזולת זה דע כי משרת המלך לקח מן השיך אבו אלמכארם ואחיו חמש מאות דינר והרחיב ה' להם אחרי כן. והשיך אבו אלמכארם היום הוא במצב גבוה עם פכר אלצנאיע השמרוני, ואנו נכרית חיי מקארב באלטארמה מקאסאה[21] השלום ואותם אלאהויא[22], וכבר נשלם זמן השכירות ואיני יכול לדבר אתו כי לא הודעתני כלום. והגיע באלו הימים איש סגלמאסי חכם שמו מר יוסף בן מלאל, למד אצל בן מיגש, ויש לו כתב בן מיגש בהמינוי, ועבר עליו עם הרב משא ומתן[23]? ולא הצליח. הנה הוא נשאר במצרים כי הוא פתי והוא שואל בשלומך ומשתוקק אליך ומתפלא איך לא נפגש אתך במצרים. וכן איש שמו בן קצ̇יב מגדולי פאס ברח מהארצות ההם ונמלט הוא ואחיו האחד, והגיד לי כי הספר תורה ששלחת אותו עם בן תאלוית הביא אותו עמו עד בגאיה, ואיש אחד כהן מאנשי פאס יקראו לו בן אלקבאווי, והוא קרוב לנו לפי דבריו, ואין עמו כלום אלא דבר מעט, עשה בזה חנות בגדים בשכונת השאשיין[24], ואבו אלרביע בן סטלון כלם ידרשו בשלומך ורוצים לראותך. ה' יקבץ פזורנו ופזוריהם עמך בשעה טובה ומוצלחת. ואבקש מכבודך שתעשה לי ערצ̇י[25] רוחב שש וחצי באורך שש או פחות להיות לי לטלית. ואקוה בעזרת שדי יהיה תשובת אגרתי זו ראות פניך בע"ה, ולא ימצא חן המסחר בעיניך ותשכח אותנו, שבאמונת השמים אין יום אחד נוסף שאתה אינך עמנו בו שאינו אלא הוא חסר משנותינו שנה אחת. ודע לך שבן אדם אין חייו בלי אור, והאור שלנו אתה הוא, ואם תפרד מעלינו איך נחיה? ואגרתי זו נשלחה לך בשביל ענין בן אלחיפוה, אשר עדיין להרב אצלו תשעה דינרים, והרב תובע אותי בכל יום בהם, ואינו שותק אלא מפני הבושה.

[18] כנראה שם האיש.

[19] שתי מלות אלו השארתים בערבית, כי לא הבנתי ביאורם.

[20] גם שמות הסממנים האלה השארתים בערבית אף שיש למצוא לאיזה מהם שמות עברים, בס' הקאנון נמצאים שמות אלה בעצמם בערבית.

[21–22] שלש המלות אלטארמה מקאסאה ואלאהויא, לא מובנים לי.

[23] המלה „מקאמאת" בערבי יל"פ משא ומתן, וגם כבודים, ור"ל שהרב עשה לו כבוד אך ללא הועיל.

[24] השאשיין שם בעלי מלאכה מיוחדה שהיה להם רחוב או שוק מיוח .

שם בגד בערבית, והוא כמו סודר גדול שמתעטפים בו.

נא נא קחם ממנו ולא תעזוב אותו. וקניתי בשאר אלחומון[26] ועשיתים עם הנשאדיר[27] תקבל אותם. ואני בע"ה אגמור אגרתי בשלום הגמור והטוב והיקר, ואמי ואחותי דורשים שלומך לפי רוב השתוקקותם אליך ואחולם לך. וה' יקבץ אותנו בכלל ביחד בע"ה. ואַם אבו אלחסן ובתה ובנה דורשים בשלומך לחיים ארוכים וטובים. המסכנה סת אלגרב [גברת המערב] בת זכרי מתה זה שבעה חדשים. והשיך אבו אלמנא שכיננו ואשר בביתו דורשים בשלומך ותדרוש לכל קרובינו כלם בשלום. שבט אתנ"ט לשטרות[28].

ע"ג הכתב:

..... את מרינו ורבינו יהודה.... נין הגאונים בר כ'ב' גד' ק...

.... עבדו

המתפלל לאל בעדו שלמה כהן שלום.

הערות

הנני פה בטאנגיר מחוסר ספרים הנחוצים לחקירת הענינים הנכללים באגרת הזאת, בכ"ז אנסה להעיר על דברים אחדים ממנה.

1 כפי שיבא בהמשך דברינו להלן, נשלחה האגרת הזאת מר"ש הכהן הבן שישב באלכסנדריה לאביו רבי יהודה הכהן שהתגורר באלקהירא לרגלי מסחרו, ומפני כן ר"ש הבן מזרז את אביו לבלי להתעכב על משפחתו זמן רב, ושבבואו יביא להם עמו שפחה לשרת בבית.

כן, נראה מתוך דברי האגרת שרבי יהודה הכהן האב, והבן ר"ש, ידעו היטב את ארץ המערב היא מארוקו, ושמוצאם היה ממנה, כנראה זמן מועט לפני התחלת גזרות עבד אלמומן, ואולי באותו זמן שבו יצא ר"י הלוי מספרד. ההוכחה, שמוצאם היה מהמערב, מתבאר ביתר שאחיו של ר"י הכהן, מר יעקב ועבוד היו מסגלמה, ושבן אלקבאווי הכהן שיצא מפאס, אמר שהוא קרוב להם. ושר' יהודה עזב ספר תורה אצל בן תאלוית שיצא מהמערב. מפני זה גדלה התענינותו של ר"י הכהן בידיעות ערי המערב ומה שקרה להם מידי הלאמווחידין, עד שרצה שבנו ר"ש הכהן יחקור מהבאים משם לחוף אלכסנדריה להודיע מה שעבר עליהם.

מי הי ר"י, הכהן זה, ור"ש בנו? כנראה, שהם שמות חדשים אצלנו, כמובן א"א ליחס אותם למשפחת הגאונים הכהנים שהיו בא"י, אף שיתואר ר"י הכהן, בפי בנו, בתואר „נין הגאונים", מפני שהמשפחה ההיא של הכהנים גאוני א"י לא היתה מהמערב. וגם כבר ראינו שר"י הכהן זה בעצמו בא מחדש מהמערב. ולא היה מא"י או מערי המזרח. עוד ר"י הכהן אחר מצאנו אצל ר"ס בן דנאן, שמשפחתו אבן סוסאן הדיין, שלמד אצלו הרמב"ם בפאס, אך, זה חי בפאס עוד בש' ד"א תתק"ך, ור"י הכהן זה

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[26] המלה מטושטשת בכ"י, וכנראה צ"ל אלחומוץ בצדי בסוף, והם אפונים, וכוונת בשאר, בשאר הכסף.

[27] מין שמשתמשים בו לליבון כלי הנחשת.

[28] המלה לשטרות בלויה בהכ"י, ומלאתי מסברא.

שלנו יושב במצרים עוד מאלף תנ"ט לשטרות, וקשה מאד לומר שחזר אח"כ לעירו פאס, בתקופה כזו שחרב האלמוחידין היתה נטויה במערב, במארוקו וספרד.

ההשערה, שאפשר להיות כ"כ קרובה, היא שר"ש הכהן הבן זה, הוא ר"ש סגן הכהנים הנזכר באגרת תימן להרמב"ם, שנראה משם שנסע ממצרים לתימן. גם צריך לעיין אולי הוא ר"ש הכהן שמזכיר ראב"ע בשירו נדוד הסיר אוני „שלמה נר המערב", וראה במ"ש בס' נר המערב, צד 27.

2 בן אלתלמיד, הנזכר באגרת זו שר"ש הכהן למד אצלו בלילות, זכורני שנזכר באיזה מקום, שנשכח ממני כעת.

3 מהדברים החשובים שיש להוציא מאגרת זו הם זמני המאורעות ופרטיהן, של רדיפות האלמווחידין. בדברים אחדים מוצאים אנו שמתאימים הם דברי האגרת הזאת אל קינתו הידועה של הר"א בן עזרא אודות הרדיפות האלה שגם הוא היה עַד ראיה לחלק מהם. מדברי ר"ש הכהן זה נדע, שראשית מעשהו של עבד אלמומין סוסי, היתה באוראן, אלא שלפי הנראה לא היתה בה קהלה יהודית חשובה, ומפני כן לא בא זכרונה לא פה, ולא אצל ר"א בן עזרא. רדיפות היהודים התחילו ע"י עבד אלמומן זה בקהלת תלמסאן. לפי"ד ר"ש הכהן המירו איזה מהם, והרוב נהרגו, וכן יאמר גם ראב"ע שם: „ואי חסן, קהל תלמסאן, והדרתה נמסה". אחריה נפגעה סגלמאסה, עיר ידועה מאד בגדוליה וחכמיה עוד מימי רש"ג ורב האי. שבעה חדשים ארך המשא ומתן–לפי"ד ר"ש הכהן–בינם, ובין בא כח עבד אלמומן, וסו"ס באה פקודתם, ונהרגו מאה וחמשים מהם. והשאר המירו, מלבד אלה שיצאו ממנה עוד בצאת האלמוראבטין המושלים הקודמים. מי הוא זה רבי יוסף בן עמראן הדיין של סגלמאסה שהיה בראש הממירים? שֵׁם כזה מצאנוהו עוד מימי רש"ג ורה"ג בנו שהיה הדיין בסגלמאסה, ואולי היה נכדו. שם כזה יוסף בן עמראן, אך בתור שר וגדול ומטיב, נזכר אצל הראב"ע בתור איש חסדו ומטיבו, ושחי ג"כ במערב. אך ראה בתולדות הראב"ע להח' כהנא שכנראה מת יוסף בן עמראן ההוא השר שנים אחדות לפני שנת אתנ"ט, ולכן, נראה שבשם כזה נקראו אחדים ממשפחה אחת בהעיר סגלמאסה עצמה, כי „בן עמראן" היא שם משפחה, כמו שישנה עד היום משפחה זו במארוקו, בן עמרם. ואמנם השערתנו שרבי יוסף בן עמרם זה הממיר, שהיה דיין סגלמאסה, הוא נכד הראשון בשם כזה בימי רה"ג נראית נכונה.

מחכמי סגלמאסה, נזכרו באגרת זו עוד השמות האלה, מר יעקב ועבוד אחיו של ר' יהודה הכהן, שעל אודותם אין לנו מה להגיד וגם מר יהודה בן מר פרחון ואחיו שנמלטו לעיר דרעא. ואולי זהו בעצמו מר יהודה הכהן בן מר פרחון שהיה לו להרמב"ם ריב אתו כפי הנזכר באגרתו לתלמידו ר"י בן עקנין בס' ברכת אברהם, וכמ"ש בנר המערב במלואים צד 225; אלא שמה שכתבתי שם לאחד את ר"י הכהן בן מר פרחון זה עם ר"י הכהן אבן סוסאן הדיין שזכר ר"ס בן דאנאן, הֲדַרִי בי כעת, ואין ספק ששנים הם. ואולי ר"י הכהן בן מר פרחון, היה מסגלמאסה ואח"כ בדרעא לפי דברי האגרת הזו שלפנינו, ומדרעא יצא אח"כ והלך למצרים; או אולי הריב

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[29] מקום נקרא כך במארוקו, ומזה נראה שר"י בן מוסא בעל המכתב וחברו ר"מ אזרוואל זה באו לא"י ממארוקו.

שהיה לו אתו הרמב"ם ז"ל היה בעוד היותו במערב עם אביו ר' מימון. וגם הריב שהיה „בינו ובין דיין סגלמאסה" שכותב שם הרמב"ם באגרתו ההיא, אפשר שמכוון על ר"י בן עמרם הנז"ל, ואני חושב שגם האיש השלישי מר יוסף בן מר יוסף, שחלק עמו הרמב"ם ג"כ כנזכר באגרתו ההיא, הוא מר יוסף בן מלאל, או אולי בנו, אשר באגרת זו בא שמו בתור תלמיד של ר' יוסף בן מיגאש. באגרת הרמב"ם שם יכלול את דברי הריבות האלה שהיו לו בימי שחרותו, ובכן זה היה בימי שבתו בפאס. ויוצא איפוא ששלשת אנשי ריבו של הרמב"ם הנזכרים באגרתו הנ"ל, הם חכמי סגלמסה שיצאו מעירם ובאו לפאס בו בזמן שהרמב"ם ואביו ישבו שם.

וע"ד אחיו של ר"י הכהן בן מר פרחון, אעפ"י שלא נזכר שמו בפירוש באגרת, אחשוב שזה הוא ר' שלמה בן פרחון בעל מחברת הערוך הידוע, וזה מחזק דברי שכתבתי בנר המערב צד 27, ע"ש היטב.

לפי דברי האגרת זו יוצא שהערים בגאיה, דרעא, ומכנאסה, היו האחרונות למאורעות עבד אלמומין. בגאיה נכבשה עוד איזה זמן לפני כתוב ר"ש הכהן את אגרתו, ובלי ספק איפוא שאותם שברחו אליה בחשבם להמלט שם, יצאוה שוב, ומהם גם האיש בן תאלווית שאצלו הפקיד ר"י הכהן אבי ר"ש הכהן את ספר התורה בהיותו בפאס, ואמנם את דרעא ומכנאסא אינו מזכיר ר"ש כהן מכבושם ע"י עבד אלמומין, ועפי"ז יוצא לנו שקינתו של הראב"ע שבה נזכרה גם מכנאסא, כפי שכתוב שם: „וקול ארים, בתמרורים, על סבתא ומכנאסה", נכתבה אחרי אתנ"ט לשטרות. וע"ד דרעא יש לי בספרי נר המערב צד 31 דברים בזה ע"ש שאין כאן המקום להאריך בזה, ורק אומר שדברי האגרת זו המתגלים עתה לעינינו, יחזקו יותר את השערתי שם, כי כבוש דרעא שמזכיר הראב"ע שם, לא היה ע"י אלמווחידין, אלא בעקב המלחמה שהיתה בין יהודי דרעא עם שכיניהם המוסלימים.

מה שמענין אותנו עוד בפרטי המאורעות האלה הם המספרים שבאגרת זו על כבוש פאס ומראקיש, שתי הערים הגדולות של מארוקו. בלי ספק בין מאת אלפים שנהרגו בפאס, וק"ך אלף במראקיש, היו איזה אלפים יהודים, ועליהם קונן הראב"ע שם: „ועיר מלוכה, והנבוכה, מראקיש המיוחסה, עלי יקרים, מדוקרים, עין אויב לא חסה, אהה אפס, קהל פאס, מיום נתנו למשסה". וכן נראה גם בספר דברי הימים למלכי מארוקו, אלכרטס, שהאלמוראבטין שנואי נפש עבד אלמומין, התבצרו כל כך בשתי הערים הגדולות האלה, ובחמתו שפך עבד אלמומין גם על יהודי שתי הערים האלה את חצי זעמו, מבלי שיציע להם את ההמרה כבערים אחרות.

חבל מאד שבשורות המטושטשות שבאגרת זו, ישנם דברים חשובים לפעולות עבד אלמומין בספרד, שעליהם ידבר גם ראב"ד בס' הקבלה בנוגע להנשיא ר' יהודה בן עזרא, אשר יכול להציל אז אלפי נפשות יהודים מערי ממשלת הישמעאלים שמסרו את השלטון לעבד אלמומין, ויביאם לערי ממשלת הנוצרים.

4 מי הוא „הרב" שמדבר עליו ר"ש הכהן, שהיה כמובן רב באלכסנדריה, אינו ברור, אולי הוא רבי פנחס הדיין מאלכסנדריא שנזכר בשו"ת הרמב"ם.

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30 אולי כוון על הכפר פקיעין שתושביו היהודים כהנים היו עוד מימי נוסעים שונים שזכרו אותו.

5 עוד יש להעיר על השורות האחרונות אודות אֵם אבו אלחסן ובתה ובנה, ואלשיך אבו אלמנא הנזכר אחריהם, שהיה שכנו של ר"ש הכהן בעל האגרת. השיך אבו אלמנא ידוע לנו כבר עפ"י ר' יהודה הלוי בהדיוואן שלו, שהיה אכסנאו, וישב ר"י הלוי בביתו באלכסנדריה שלש חדשים, וזה איפוא די לנו לשער כי אבו אלחסן זה, הנזכר אתו ביחד, בשכונתו, בתור אנשים ידידים ומכירים כלם לר' יהודה הכהן אבי ר"ש הכהן השכן שלהם, הוא אבו אלחסן משוררנו הגדול ר"י הלוי, וכי עוד בש' אתנ"ט לשטרות ישב לו עוד באלכסנדריא ביחד עם אמו ואחותו, ובזה נופלות הן מאליהן השערות רבות ודעות שונות שנאמרו אודות זמן נסיעת ר"י הלוי לא"י ושנת מותו. השורות המועטות האלה שלפנינו אומרות הרבה בענין זה, ואת זה הנני משאיר לחכמי הדור, שבידם נמצא כלי אומנות ספרי תולדות עמנו, שאינם אתי במחיצתי לע"ע.

כן גם בכל השיך להסממנים הרפואיים והמסחריים שבאו בתוך אגרת זו, וכמו כן דברים מדיניים וכלכליים שיש להוציא מאגרתנו זו ביחס להמצב והמשטר שבמצרים בתקופה זו, אני משאיר למומחים לדבר ע"ז.

ב.

אגרת ששלח הר' יצחק בר מוסא לאביו על שבח ארץ ישראל בלשון ערבי שנת הש"א ליצירה.

אנא ואכי אלדי מסינא לחקנא עלא כיר ועפייא למאצאר וזחנא פי מאצאר לאיין לבנאת פי ארץ ישראל קלאל מן זאנב לברכה די פלבלאד כא יולדו שבעה דלולאד ובעדהא יולדו וואחד לבניתא עליהא זוזנא פי מאצאר לאיין לבנאת פי מצאר כתאר ובעד רחלנא לגליל העליון לאיין מא פיה שי לגלות בזאף̇ ולקהל פיה בהשקט ובטחה וסרינא תמא מצאחף̇ כתאר וכסינא רוחנא בחוואיז למלף̇ ולחריר וחנא גאלסין פוואחד בית הכנסת יקולו להא צלאת אל גורבא מן הבקר עד הערב וסרינא ספר תורה בתפוחים וכסבנא אדראהם כתאר וכליה לקופה דלקהל כאנת פיידנא אנא ורבי משה ורבי מוסא אזרוואל אלדי כאן פבני צביח, ועבאנא וואחד אתרכי לשער הרחמים חתא צלינא פיה ודכלנא לבית הכנסת די דוד המלך זיע"א וקייצנא פלביבאן פי טולהום תלת מייאת דראע ופי תאסיעהום שבעין דראע ומא בקא פי בית המקדש מן כתורת לקדושה. . ושכינת אל רם ונשא לאיין לארון תמא מדפון, וואנא קייצת לחזאר די פבית המקדש פי קרן מזרחית צפונית וחברת פיהא ארבעין דראע פי טולהא ופי תאסיעהא, ורית עמק יהושפט ויד אבשלום וזכריה בן יהוידע וחוני המעגל, ורינא וואחד למוצע יקולולו עורבא ופיהא קבר אלעזר ואיתמר בני אהרן הכהן וקבר אסתר המלכה וקברי שבעים זקנים ורינא קבר יוסף̇ הצדיק פי שכם וקדאמו יהושע בן נון וכלב בן יפונה וקדמהום לביר פאס סייבו בנות ציון רוחהום בזמן אלחרבן, ורינא הר הזתים ופיה חגי זכריה ומלאכי ופיה וואחד למוצע די פאיין כאנת תזלא שכינת אל רם ונשא, ופיה חולדה הנביאה ולביבאן די שערי רחמים כא יצ̇הר מן ראסהום תלת דרוע, ורינא ביבאן אוכרין יקולו להום

שערי אשלים. וכל צלטאן די כא יכון פירושלים כא יחפר עלא האדוך אלביבאן וטול מא יחפר עליהום והומא יגרקו ומנאיין ירפד ידו ירזעו כיף כאנו, ורינא לקבא דלעזרה ומדרש שלמה ומגדל דוד והומא מזאלין כיף כאנו זיו השכינה חופף עליהם כל היום וסכנו פיהום אתורך לאיין כאפו מן אנצארא, וליום הינא וואחד אצולטאן יקולולו צאלטאן סולימאן והווא כא יחב ליהוד בזאף כיף עיניה, וזייאדא זורנא קבר שמעון הצדיק ומראתו קדאמו וקדאמהום עין דלמא סאפיא פחאל אדמוע דלעין וכא תמסי לענד אסנהדרין ותמא ר׳ מאיר די חלף מא ירקד חתא יגי מלך המשיח ורינא קבר שמואל הנביא וחנה אמו מדפונא קדאמו ודאך למוצ̇ע מתל קצבא ולביבאן מקפולין עליהום וטלענא מן תמא לסאחאל ותמא מדפון עמוס, ותמסי סוואי ותזבר קבר עלי הכהן, ותמסי סוואי ותזבר קובא מבנייא ופיהא יהודה בר יעקב אבינו ע״ה וקדאמו רבינו הקדוש ע״ה פמערה אוחדה ולבאב די עליהום די לחזאר מפתיחא ותמסי סוואי ותזבר קבר ראובן בן יעקב ע״ה פלזבל ומנו כא יכרז לירדן ומסינא ללמערה פאס מדפון רשב״י ע״ה ור׳ אלעזר בנו ע״ה ועבינא מעאנא אנא ור׳ יעקב בן מוסא ספר הזוהר וקרינא פיה כיר אללה פי למערה והייא מן לחזר מנזורא, ומעו מדפונין תלתא דלחכמים די כאנו מעו פבית המדרש והלל הזקן מעאהום, ופי כול מצבה מכתוב עליהא ייסם מולאהא וכוננא נקראוו פקבת הלל הזקן ומנאיין נקולו קדיש תפיץ וואחד לעין דלמא קדאמנא ותמא מדפון שמעיה ואבטליון ועובדיה הנביא ותמסי סוואי תזבר גליל התחתון ופיה קבר ר׳ שמעון בן חלפתא ותזיד שוואי ותזבר וואחד למוצע ולא פיה גיר לכהנים ותזיד שוואי ותזבר וואחד למוצע יקולולו ערבה ולא פיה גיר ר׳ חנינא בן דוסא ע״ה ותזיד שוואי ותזבר קבר ר׳ אברהם בן עזרא ור׳ יהודה הלוי ומן תמא תמסי להר הכרמל ומן ותמא ללמזבח די בנא אליהו הנביא ע״ה אוקת תכאסם מעא נביאי הבעל ותמא קבר דבורה ונפתלי בן יעקב ועליהום מבני ציון וקדאמהום יונה בן אמתי ותזיד שוואי ותזבר קבר רבי זירא ור׳ יהושע בן פרחיה ושת בן אדם הראשון ובנימין בן יעקב ותזיד שוואי ותזבר יוכבד ומרים ואלישבע בת עמינדב וצפורה אשת משה והנשארים אינם ידועים, ותזיד שוואי ותלחק טבריה ופיהא מדפון ר׳ עקיבא בן יוסף וארבעה ועשרין אלף דתלמידים דייאלו ומסינא ללמוצע די פאיין קאל אברהם אע״ה אל נעריו שבו לכם פה עם החמור וזורנא אבי דוד וגד החוזה ואבנר בן נר פחברון ורינא אבן השתיה, וכלנא וסרבנא סראב ומאחיה ונעמא בזאף וכוננא חנא וכל מן כא יזור מעאנא אוקת נזורו נקראוו ונדרעו עלא קבר כל צדיק וצדיק באס ינופרו דנובנא שנאמר וכפר אדמתו עמו, וכאנו יזיוו אנאס ולמחאל בזאף מן דמשק ומן מאצאר באס יזורו ונתלאיימו לכול ונמסיוו עלא למצבה די שמואל הנביא ע׳ה ונסעלו עליה פכול לילא קריב לקנטראיין דזית ווייכון קנטאריין דשמאע וכל חכם ידרש עליה תמא ועמרנא מא מסינא אקל מן מניין לאיין נהבו נקולו קדיש עלא קבר כול צדיק וצדיק ובעדהא מסינא לחברון וגלסנא פיהא גמעא מן אייאם וכוננא נצליוו קדאם לאבות ע״ה סבאח ועסייא ותעלם יא כאי באיין לישיבה די אלמלאח די ירושלים כיר מן כול מלאח דלעולם כלהא ולחכם לכביר דייאלהא ליום הווא רבי בר רב אדא אידא יקול הווא לכלמא מא יקדר מן ירדהא עליה לאיין ענדי

סתין מסכתא דלמשנה פראסו ונסכרו לאללאה די זבנא לארץ הקדושה, וענדהום כלי המקדש וספרים דייאלהום מקיומין בדהב ולפצא וטלבנא מנהום אנא והאד ליהוד למגרביין יעטיוונא סי ספרים ועטינאהום דייאלנא וכמלולנא גרדנא ובדלהומלנא ותעזבנא פיהום עלא לכבוד וכליה ענדהום אתורה ושחאל דתרייאת כא יסעלו עליהום ושחאל דלחזאבאת באס כסאוו אצלה כולשי חריר וכול מפה ומפה דספר תורה פיהא מא יסווא אלף רייאל דדהב. נטלבו ללאה ב"ה יקרב לנא לישועה, ולדאבא יא כאי אידא חבת תזי אזי לאיין ארץ ישראל מא הייאסי בעידא גיר בלפום בעידא באס ינגפר דנוביך אזי פחאלך מן צארך. ללגזאייר מסירת כמס אייאם ומן לגזאייר לתונים כמס אייאם ומן תונס לזרבא כמס אייאם ומן זרבא לסכנדרייא כמס אייאם ומן אסכנדרייא למאצאר עשר אייאם ומן מאצאר לירושלים שבע אייאם סך הכל שהר ושבע אייאם ותרתאח מן דוך לבלאדאת דטומאה וליהוד הנא מא יגרמו גיר מן ראס לעאם לראס לעאם יעטיוו גיר מטבוע לראס כליה יכון ענדו מייאת קנטאר דדהב מא יעטי גיר מטבוע ולגוי לא איפשר יטלע לגליל העליון יטמיהא ולגוי די יטלע עליה אמר למלך אידא חב יקדי סי חאזא מן תמא יקדיהאלו ליהודי ודי יסרי סי חמל דלענב במטבוע יסרב פיה לעאם כלו וכדאלך יסרי ארבעה די טלאלס דלקמח ליוספי ופירוש ליוספי הווא ספר מתל אדהב יסריהום במטבוע ומסית יא כאי חתא ללחזרא די עלאס תכתן אברהם אבינו ע"ה, וברוך ה׳ אשר לא עזב חסדו ואמתו ודי כיף זכאנא אללה חתא רינא האד למוצע הגדאך יזכינא ויזכי ישראל כלהום יראוו ביאת הגואל בקרוב אכי"ר.

תרגום עברי.

אני ואחי שנסענו הגענו לשלום וטוב למצרים, ונשאנו נשים במצרים כי הבנות בארץ ישראל הן מעטות, מפני הברכה שבה, שיולדים שבעה בנים ואחרי כן רק בת אחת, ולכן נשאנו נשים במצרים ששם הבנות הרבה. ואחרי כן נסענו לגליל העליון שבו אין גלות הרבה והקהל בו הם בהשקט ובבטחה, וקנינו שם ספרים הרבה ובגדים לכסותנו, בגדי צמר ומשי. ואנחנו יושבים בבית הכנסת אחד, קוראים לו ביהכנ"ס אלגורבא [הזרים] , מן הבקר עד הערב, וקנינו ספר תורה בתפוחים והרוחנו כסף וגם הקופה של הקהל היתה בידינו. אני ורבי משה ורבי מוסא אזרוואל שהיה בבני צביח[29] הוליך אותנו תורכי אחד לשער הרחמים [ירושלים] עד שנכנסנו בו והתפללנו, ונכנסנו לביהכנ"ס של דוד המלך ע"ה ומדדנו השערים יש באורכם שלש מאות אמה וברוחבם יש שבעים אמה. ומה שנשארו בבית המקדש הן הקדושה ושכינת אל רם ונשא כי הארון גנוז שם. ומדדנו האבנים שבבית המקדש בקרן מזרחית צפונית ומצאתי בהם ארבעים אמה באורך וברוחב. וראינו עמק יהושפט ויד אבשלים וזכריה בן יהוידע וחוני המעגל, וראינו מקום אחד קוראים לו עורבא [?] ובו קבר אלעזר ואיתמר בני אהרן הכהן וקבר אסתר המלכה וקברי שבעים זקנים. וראינו קבר יוסף הצדיק בעיר שכם וסמוך לו יהושע בן נון וכלב בן יפונה. וסמוך להם הבאר שבו הפילו בנות ציון את עצמם בזמן החרבן. וראינו הר הזתים ובו [נקברו] הגי זכריה ומלאכי, ובו מקום אחד ששם היתה שכינת אל נגלית, ובו חולדה הנביאה.

והשערים של שערי רחמים בולט מהם בראשם שלש אמות. וראינו שערים אחרים קוראים להם שערי אשלים [?] וכל מלך שמושל בירושלים חופר על אותם השערים, וכל מה שחופר הם מוסיפים לשקוע, וכשמסיר ידו יחזרו כמו שהיו. וראינו הכִּפּה של העזרה ומדרש שלמה ומגדל דוד והם עדיין כמו שהיו, זיו השכינה חופף עליהם כל היום וישבו בהם התורך כי פחדו מהנוצרים. והיום פה מלך אחד שמו צולטאן סולימאן והוא אוהב את היהודים מאד כמו עיניו. והוספנו ללכת לקבר שמעון הצדיק ואשתו עמו ולפניהם מעין מים זכים כדמעות העין. ומשם תלך אצל הסנהדרין ושם רבי מאיר שנשבע שלא ישכב עד שיבא מלך המשיח. וראינו קבר שמואל הנביא וחנה אמו קבורה סמוך לו, וזה המקום הוא כמו מבצר והשערים סגורים עליהם. ויצאנו משם אל המישור ושם קבור עמוס ותלך מעט ותמצא קבר עלי הכהן, ותלך מעט ותמצא כפה בנויה ובה יהודה בן יעקב אבינו ע"ה, וסמוך לו רבינו הקדוש ע"ה תוך מערה אחת והשער יש עליו דלת מאבן מסותת והיא פתוחה. ותלך מעט ותמצא קבר ראובן בן יעקב ע"ה בהר וממנו יוצא הירדן. והלכנו למערה שקבור בה רשב"י ע"ה ור"א בנו ע"ה ולקחנו עמנו אני ור' יעקב בן מוסא ספר הזהר וקרינו בו ב"ה במערה, והיא מאבן מסותת, ועמו קבורים שלשה חכמים שהיו עמו בבית המדרש, והלל הזקן עמהם, ובכל מצבה כתוב עליה שם בעליה. והיינו לומדים בכפת הלל הזקן וכשהיינו אומרים קדיש היה מעין אחד סמוך לנו נובע וצף. ושם קבורים שמעיה ואבטליון ועובדיה הנביא. ותלך מעט ותמצא פנחס בן אלעזר, ותלך מעט תמצא גִליל התחתון ובו קבר רבי שמעון בן חלפתא, ותוסיף מעט ותמצא מקום אחד שאין בו כי אם כהנים[30], ותוסיף מעט ותמצא מקום אחד, קוראים לו ערבה, ואין בו כ"א רבי חנינא בן דוסא ע"ה. ותוסיף מעט ותמצא קבר ר"א בן עזרא ור' יהודה הלוי, ומשם תלך להר הכרמל, ומשם אל מזבח שבנה אליהו הנביא ע"ה בעת שרַב עם נביאי הבעל. ושם קבר דבורה ונפתלי בן יעקב ועליהם בנוי צִיּוּן, וסמוך להם יונה בן אמתי, ותוסיף מעט ותמצא קבר ר' זירא ור"י בן פרחיה ושת בן אדה"ר ובנימין בן יעקב, ותוסיף מעט ותמצא יוכבד ומרים ואלישבע בת עמינדב וצפורה אשת משה, והנשארים אינם ידועים. ותוסיף מעט ותגיע לטבריה ובה קבורים רע"ק בן יוסף וכ"ד אלף תלמידיו. והלכנו למקום שאמר אברהם אע"ה אל נעריו שבו לכם פה עם החמור, ובקרנו אבי דוד וגד החוזה ואבנר בן נר בחברון. וראינו אבן השתיה, ואכלנו ושתינו יין ושכר ולחם הרבה ואנחנו וכל המבקרים עמנו בעת שנבקר הצדיקים נלמוד ונשתטח על קבר כל צדיק וצדיק כדי שיתכפרו עונותינו שנא' וכפר אדמתו עמו. והיו באים אנשים ושיירות הרבה מדמשק וממצרים לבקר ונתקבַּץ הכל ביחֹד ונלך למצבת שמואל הנביא ע"ה ונדליק עליו בכל לילה קרוב לשני קנטרין של שמן וכמו שני קנטרין שם שעוה, וכל חכם ידרוש עליו פעם שם, ומעולם לא הלכנו בפחות מן מנין כדי שנאמר קדיש על קבר כל צדיק וצדיק. ואח"כ הלכנו לחברון וישבנו בה שבוע ימים והיינו מתפללים לפני האבות ע"ה בקר וערב. ודע לך כי ישיבת שכונת היהודים בירושלים טובה מכל שכונות היהודים שבעולם, והחכם הגדול שלה היום הוא רבי בר רב אדא. אם הוא אומר דבר, אין מי שיוכל להשיב עליו כי יודע ששים מסכתות של המשנה

בעל פה, ונודה לאל שהביאנו לאה"ק. ויש להם כלי המקדש[31] וספרים [ס"ת] שלהם ממולאים בזהב וכסף. ובקשנו מהם אני ואלו היהודים המערבים[32] שיתנו לנו איזה ספרים ונתננו להם את שלנו והשלימו רצונינו והחליפום לנו, ונתפלאנו עליהם על הכבוד הזה. והכל, אצלם, כמה מנורות מדליקים לפניהם וכמה פרוכיות שבהן מכסים את ביהכנ ס הכל משי וכל מפה ומפה של הס"ת שוה אלף רייאל זהב, נבקש מה' ב"ה שיקרבנו לישועה. ועתה חביבי אם תרצה לבוא, בוא, כי ארץ ישראל לא רחוקה היא רק על הפה נראית רחוקה, ובכדי שיתכפרו עונותיך, בוא מביתך לאלזגאייר [Algis] יש חמשה ימים, ומן אלגזאייר לתונס [Tunis] חמשה ימים, ומן תונס לזרבא [Djerba] חמשה ימים, ומן זרבא לאלכסנדרייא [Alexandria] חמשה ימים, ומאלכסנדרייא למצרים עשרה ימים, וממצרים לירושלים שבעה ימים, סך הכל חדש ושבעה ימים. ותנוח מאותם הארצות של הטומאה, והיהודים פה אינם משלמים כי אם מראש השנה לראש השנה מטבוע[33] אחד לגלגלת אפילו מי שיהיה לו מאה ככרי זהב אינו נותן כ"א מטבוע. והגוי לא יוכל לעלות לגליל העליון לטמא אותה, והגוי שיעלה לשם, מאמר המלך הוא שאם ירצה איזה דבר משם, יביא אותו לו היהודי, ומי שקונה משא ענבים במטבוע אחד ישתה ממנו יין כל השנה, וככה יוכל לקנות ארבעה שקי קמח אליוספי, ופירוש יוספי הוא צהוב כזהב, במחיר מטבוע אחד, והלכתי, חביבי, עד להאבן שעליה נמול אברהם אע"ה, וברוך ה' אשר לא עזב חסדו ואמתו וכאשר הביאנו עד הלום עד שראינו המקום הזה, כן יזכינו ויִזַכה ישראל כלם לראות ביאת הגואל בקרוב אכי"ר.

הערות

מבלי לדבר על רשימת הקברים שבאה במכתב זה, שבכמה דברים שונה היא מרשימות אחרות הידועות לנו כבר, הנה יש לנו רק להעיר על דברים המענינים שיש במרוצת המכתב, שכדאי לציין אותם.

1 הכותב מודיע לנו שבא"י אז היו הנקבות מעטות, והרוב היו מולידים כמה בנים ואח"כ רק בת אחת, בה בעת שבמצרים הנקבות היו הרבה, דבר שעד כה כמדומני לא שמו לב נוסעים אחרים בא"י להזכיר אותו.

2 המצב של היהודים בא"י אז בראשית כבוש התורקים, בימי שולטאן סלימאן, היה בכלל טוב, אלא שבגליל העליון, היה הרבה יותר טוב מבירושלים. בגליל לא היה יכול נכרי לבוא שמה להתעכב זמן, וכשהיה לו עסק מה, היה צריך לעשות ע"י יהודי. קצת מזה רמוז גם בשו"ת אבקת רוכל לר"י קארו סי' א' שכותב: ה' זכר להם ברית אבותם ויתיישבו בעיר צפת וכו' אין שטן ואין פגע רע ולא שמעו קול נוגש וכו'. תשובה זו נכתבה אז בש' ש"א. וגם בשו"ת מבי"ט ח"א סי' רפ"ז כותב

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[31] ר"ל כלי הקדש.

[32] נראה מזה שקהל מערבים גרו אז בירושלים במספר מועט עד שאז הוצרכו לבקש ספרי תורות מהספרדים.

[33] שם מטבע תורקי כנראה, של זהב.

[34] ראה אודותיו: נר המערב צד 108.

ששכונת היהודים בצפת היתה ברשותם, ויותר מן הערבים חיים בחפשיות וחירות. גם ע"ד המס ששלמו יהודי א"י לתורקיה, שקל אחד לגלגלת, ולא יותר, נזכר זה גם בהנוסע מש' רפ"ב שתורקיה ביטלה המסים הקודמים והטילה מס גלגלת שנתי, ראה אוצר ישראל ע' ירושלים.

3 גם בדבר המצב הכלכלי ,יתבאר לנו ממכתב זה שהיה טוב מאד, בשקל „מטבוע" אחד היו יכולים לקנות משא־של־גמל־ענבים, שבהם עשו יין שיספיק להם לכל השנה, ובאותו סכום עצמו קנו ארבע שקים קמח, מין טוב ידוע אז בשם „יוספי".

4 ידובר פה על עושר בתי הכנסיות בירושלים, שהיו להם ספרי תורות רבים מלובשים במפות משי ובתפוחי זהב וכסף למכביר, ואלה בלי ספק, הביאו אתם המבקרים הרבים שבאו ממצרים וסוריה ושאר ארצות לבקר את א"י וקבריה, ויקדישו סכומים רבים לקופת הקהלה ובתי כנסיותיה. והנה ,כמו מיתר רושמי קברי א"י, כן גם נדע מהמכתב הזה, שהעיקר בקברים שבא"י, היה קבר שמואל הנביא שכל כך היה נערץ וקדוש למבקרי הארץ, ועד התקופה הזאת ניכר שהיה עוד בידי היהודים, ראה במה שכתבתי על זה במאמרי „נבי סמואל" בהדביר תרפ"א, חוברת י'־י"ב, צד כ"ט־ל"א.

5 מי הוא זה „רבי בר רב אדא" שידבר אודותיו כותב המכתב, שהיה הרב של יהודי ירושלים אז, ושידע ששים מסכתות משניות על פה, ודבריו היו כ"כ נשמעים באזני הקהלה? יש לשער שהכותב, בהיותו מערבי, שבא רק לפני זמן מועט קודם כתיבת המכתב לירושלים, לא ידע היטב לבטא את שמו האמתי של הרב הזה, שבלי ספק היה ספרדי. לפי הידוע לנו שמש אז ברבנות, ר' לוי בן חביב (רלב"ח) הידוע שחלק על מהר"י בירב בדבר הסמיכה, ואמנם, לפי המבואר בהנוסע משנת רפ"ב, היו בירושלים בתקופה הזאת שנים עשר רבנים ששמשו בתור ראשי בתי דינים חליפות, ויכול להיות איפוא שאחד מאלה שחי עוד בשנת ש"א, היה שמו קרוב לשם כזה שמבטא אותו כותב המכתב בשם רבי בר רב אדא, והיות שאין אתי כעת הספרים הנחוצים לזה, לא אוכל לעמוד ולברר לע"ע מי הוא.

6 חדוש אחר אנו מוצאים במכתב הזה, והוא סדר הנסיעה אז ממארוקו ומן אפריקה הצפונית עד א"י, שכלה היתה דרך היבשה, מאלגיר לתונים, ומתונים לעיר גירבא הידועה בתונים, ומשם לאלכסנדריא, ומאלכסנדריא למצרים, וממצרים לירושלים, ומה שתמוה הוא, שמאלכסנדריא למצרים היו צריכים ללכת עשרה ימים, וממצרים לירושלים רק חמשה ימים. הדרך הזו לפי הנראה היתה סלולה וידועה עוד מימי התלמוד והגאונים, ובה הלכו מא"י לאפריקה הצפונית, וגם את הגופות שהביאו ממצרים כגופו של הרמב"ם וכו', הובאו בדרך הזו ולא בדרך הים שהיתה יותר מסוכנה, מפני רעש הים ושודדיו. ועי' שו"ת רשב"ש סי' א.

7 היחס שבין היהודים הספרדים, ובין היהודים המערבים, היה כנראה תמיד לא טוב, זה מתגלה מדברי סופרים ונוסעים אחרים, וגם מדברי הכותב הזה, שעל שהחליפו להם את ספרי תורות הישנים שהיו בידם, בחדשים, כותב „ונתפלאנו עליהם על הכבוד הזה".

ג.

אגרת מירושלים משנת ה"א ש"ץ.

בין כתבי־יד שבאו לידי זה עתה, שמצאתי במארוקו, נמצאה אגרת שנכתבה מירושלים לעיר פאס, בדבר המאורעות שאירעום אז, כאשר נזכיר להלן, וזה נוסחה:

אוכלוסא קדישא ואבן הראשה, לכל דבר שבקדשה, רודפי צדק, מחזיקי כל בדק בדקי ציון עיר האלדים רחמנים בני רחמנים, גומלי חסדים עם אלדי אברהם, הלא הם קהלא קדישא אשר בפאס יע"א. ועל צבאם פרנסיהם ומנהיגיהם ה' עליהם יחיו לעד אמן, ועטרותיהם בראשיהם החכמים השלימים המאירים לכל העולם באור תורתם, יהי שלום בחילם מעתה ועד עולם ויתענגו על רב שלום כי"ר ובראשם החכם השלם ה"ר יעקב דאנאן ישמרהו צורו כי"ר.

קול שאון מעיר, קול מהיכל ה', יריע אף יצריח, בת ציון תתיפח תפרש כפיה, כי בא השודד עלינו זה ארבעה שנים איש צר ואויב אכלנו הממנו בזז כסף וזהב כל הנמצא אתנו, ולא השיב ידו מבלע לאסור אותנו בכבלי ברזל ובמחשכים הושיבנו כמתי עולם, יסור יסרנו ביסורין קשים ובמכות משונות, עד כי קצת מתושבי העיר סכנו בנפשותם והשליכו עצמם מחומות ירושלים והיתה נפשם לשלל והניחו נשיהם וטפם כעבדים שבויים בידי צר בערום ובחוסר כל, והנשארים נמקו בעונם והוכרחו למסור עצמם לגויים והפלילים יושבי הארץ בכדי לפדות יותר מאלף נפשות מישראל מחרב והרג וכדי שלא ינהוג אותו הצר הצורר ואנשיו הפקר בבנות ירושלים ח"ו כמנהג השבויות, נמכרו כל הקהל ונתמשכנו לאומות בעד סך ארבעים אלף ריאליש בנשך ובתרבית ובעת ובעונה ההיא קצת אנשי חיל אשר נגע אלהים בלבם יצאו וכתתו רגלם בערי טורקייה ופראנקיה לגבות לפדיון שבוים כזה מאלף נפשות שבויי ירושלים, ובשובם פרענו שליש מהסך הנזכר ובחסדי ה' נתננו לרחמים בעיני הפלילים בראותם עונינו דלותנו ושפלותנו כי מטה ידינו ושחה לעפר נפשנו להתרצות עם הקרן ולהניח הרבית בתנאי שאם נפרע להם הקרן במשך שלשה שנים יניחו....... עלינו את הכל, ועתה בראותינו שבאה עת הפקודה ובא עת השילום ואפס כסף, גם כי אחינו בית ישראל אשר בערי הטורקיה וגלילות פרנקיא הגדילו לעשות חסדים עמנו לשלוח לנו עזרה בצרות לפדיון נפשנו פעם ופעמים, חזרנו לשלוח שלוחים להם כי השעה צריכה לכך כי עת צרה היא לכל ישראל כי לא נהיתה ולא נראתה כזאת מיום גלות הארץ, ושליחינו אשר הלכו ראשונה בערי איטליה שלחו כתבים בקרב מחניכם קדוש להודיע צרותינו ומיום ההוא עד היום הזה לא ראינו פרוטה ולא תשובה משם, על כן חלינו פני צירי אמונים הלא הם בנן של קדושים כלול מכל מדה חמודה כה"ר אברהם ביטון נר"ו ואיש חיל רב פעלים נבון ומאד נעלה כה"ר שמואל רימון נר"ו ושלחנו אותם לדפוק על פתחי נדיבותם להמציא לנו פדות מעבדות, ולהוציא ממסגר נפשנו ולהציל קהל גדול כזה יותר מאלף נפשות עניי ירושלים להציל ממות נפשם מיד הפלילים תקיפי הארץ אשר לא יתנונו השב רוחנו ולהחיותם ברעב, כי כלם נצרכים להתפרנס מן הקופה כי דלונו מאד, ואם בא לנו

שום פרוטה קטנה מחוצה לארץ מיד קופצים עליה הנוגשים הנושים עלינו, ונשארו עינינו תלויות בדאבון נפש ערומים יחפים רעבים גם צמאים עוללים שאלו לחם פורש אין להם, לכן שופכים אנחנו לבנו כמים נכח פני קדושתכם וכותבים בדמע כי שחה לעפר נפשנו דבקה לארץ בטננו, צפד עורנו על עצמנו, חמרמרו מעינו, אנא נפנה לעזרה, בעת צרה וצוקה כזאת, אם לא לאחינו בית ישראל רחמנים בני רחמנים בני גאולתנו כי לא נעלם מעיני קדושתכם כי רוב עניי הקהל הזה הם עניים הבאים מארצות המערב זקנים וזקנות אשר באים לזכות לקבורת הארץ הקדושה הזאת, ולכם הכהנים משפט הגאולה הזאת, אשר על כן בבא שלוחינו בקרב מחנה קדושתכם האנשים הנזכרים אל י״י יתקדשו. . . . . דבר כזאת ולא יתבוששו כי לית דין צריך בשש ואיש את רעהו יעזורו והבו לכם עצה מה לעשות לאחיכם אלף נפשות ישראל אשר הם נתונים ביד אויביהם, הם ובניהם ונשיהם וטפם כשבויי חרב ולמען ציון לא יחשו ולמען ירושלים לא ישקוטו עד יצא כנוגה צדקה וישועתה כלפיד וכו' שאלו שלום ירושלים כי בשלומה יהיה לכם שלום והרימו. . . . . נדיבותכם תרומה גדולה בעין יפה כפי הצורך ודוחק השעה כי עת לחננה כי באו מים עד נפש ובאו בנים עד משבר, ודעו נא וראו כי המצוה הזאת אשר תעשו היא עם החיים ועם המתים אשר כלם ממושכנים בחוב הזה, הבית החיים אשר מימות עולם אשר בו מצבות מצבות כמה נביאים וראשי סנהדראות ומלכי בית דוד וכמה צדיקים קדושים אשר בארץ המה ופן ח״ו יגררו עצמות אויבי ישראל ופן יגרום החטא למנוע רגלי ישראל מחוצות ירושלים, ומה נעשה לכמה ספרי תורה אשר העלו אחינו בית ישראל מכל תפוצות הגולה גולת אריאל, מה תהא עליהם, וכמה זקנים וזקנות איש משענתו בידו מרוב ימים מה תהא אחריתם ואנא נניח אותם וכמה יתומים ואלמנות העניים והאביונים אשר אין להם על מה לסמוך אשר לקול שועתם תבקע הארץ לקולם ומה גם שלא יסגרו שערי תפלה אשר הם מכוונים נגד כסא הכבוד וזה שער השמים, אשר בכל יום באים הפלילים הנוגשים אותנו לקחת בית הכנסת מקום תפלת כל ישראל, בעד חובותם, ושימו לבבכם על כל הדברים האלה והתחזקו בעד עמנו ובעד עיר אלהינו ובשכר זאת השוכן אחר כתלינו יריק לכם ברכה עד בלי די ויניח לכם מכל אויביכם מסביב וישבתם בטח, גם יזכרו וישובו לראות כל הקדש וכל עזבון אשר הונף ואשר הורם בעד ירושלים זה ימים, למסור אותנו ביד השלוחים הנז״ל, ועוד להוסיף לעשות קופות קבועות ותמידין כסדרן ונדבת מחצית השקל בכל שנה בזמנה לכפר על כל ישראל והיתה זאת לכם לזכרון לפני ה' תמיד ותזכו לראות בנחמת ציון ובא לציון גואל. דלי ציון המתפללים בשלומכם כל הימים החותמים בדמע בתוככי ירושלים פה עיר הקדש תוב״ב בסדר זבח שלמים לי״י משנת יפתח י״י לך את אוצרו הטוב את השמים ליצירה.

המר ונאנח שם טוב לחי. המר ונאנח שלמה חדידא. שמואל סידון. יהודה אישפראל. ישראל בכמה״ר עמרם צאבע. יצחק בכ״ר יעקב ן' טובי דידיע בן צבאח. ישראל בנימן. צוה לחתום אברהם אלבו. יצחק דנינו בר עלל.

גם אנחנו בני ק״ק מערב המסתופפים היום בתוככי ירושלים ת״ו מודיעים נאמנה

היות כל הנמצא כתוב על עם בני ישראל אשר בירושלים ודרשו ושאלו בשלום ירושלים כי בשלומנו יהיה לכם שלום וחתומים הנזמ"ט.

יהודה להוראנו. דינר בן עולייל. שלמה ביבי. אהרן ויזגאן. משה ן' נעים. יוסף ן' מגוטי. אליהו בן שמעון סוסאן.

הערה

מטשטוש הכתב, קשה לדעת הפרט של מספר השנה בדיוק, שבה נכתבה האגרת הזו, הסימן של המספר רשום על מלות, השמים, ליצירה, א"כ יהיה שנת ש"ץ, אלא שיכול להיות שהיה רשום גם על איזה אות אחרת מהפסוק יפתח ה' וכו', אך, ניכר הדבר שהזמן שנכתבה בשנת ש"ץ, לא פחות ולא יותר, כי בתחלת האגרת כותבים „כי בא השודד עלינו זה ארבע שנים איש צר ואויב וכו'," ובלי ספק, שהדברים מכוונים אל העריץ אבן פרוך, שמשל בירושלים בש' שפ"ו, ואשר מפניו ברח ר"י הורוויץ בעל השל"ה מירושלים כידוע, וא"כ שנת ש"ץ זהו ארבע שנים אח"כ. באגרת הזאת מתואר בדברים ברורים את תלאות יהודי ירושלים אז מידי הפלילים, כהני הדת והשופטים, אשר מפניהם הוצרכו רבים מיהודי ירושלים להפיל עצמם מעל החומות ולהשאיר את בני ביתם שבויים בידי הנכרים, וכי הוצרכו ראשי העדה למשכן את נכסי הקהלה וגם את בית החיים, לפרעון ההטלות אשר שולמו ע"י הלואות מהמוסלימים, ומלבד משכון הרכוש של הקהלה היו צריכים למשכן לערך אלף נפשות שתהיינה במאסר עד לסלוק כל הסכום. החומר שבאגרת זו ישלים לנו את החסר בקורות יהודי ירושלים אז שמדובר בהן כבר אצל חוקרי תולדות א"י (ראה לונץ בחוברותיו ואוצר יש' ע' ירושלים וע' א"י, ועוד).

את שם אחדים מהרבנים החתומים על האגרת זו, ידענו כבר ממקום אחר. רש"ט לוזי הראשון חתום בש' ש"פ בכרם חמר לר"א אנקאוה (ליורנו תר. .) דף . . . . וכן ר' יצחק צבאח (ראה „נר המערב" צד 111), ור"י אישפראל, ור' ישראל בנימן (ראה בשה"ג לחיד"א, גם בס' כתר תורה לר"ש די אבילא בהסכמות רבני ירושלים, ובס' אבן שמואל לפרומקין ועוד).

הערה נוספת למאמרו של הרב י. מ. טולידאנו

מאת יעקב מאנן (סינסינטי).

המחבר הנכבד הודה צד (455) שהיה מחוסר ספרים בעת הכינו המאמר הזה לדפוס. הוכרחתי איפא להוסיף איזו הערות כדי לברר ענינים אחדים שדן עליהם בהערותיו.

א' מסופקני מאד אם השופט באלכסנדריא היה נוצרי ושמו Clemberg (צד 452, הערה 11). משרת קאצׄי אצל המושלמים היא משרה דתית גבוהה, ואיך אפשר שנוצרי יהיה הקאצׄי בעיר גדולה וחשובה כאלכסנדריא, ואף גם בשנת 1148 בימי מסעי הצלב, בעת שקנאת–הדת בין הנוצרים והמושלמים היתה

כל כך חזקה? כנראה נפלה איזו טעות בהעתקת השם הזה, ואולי צ"ל: אבו אלמפרג̇ (Abūl Mufarraj) תחת „כלמברג". ובאמת במקור הערבי האיש הזה אינו נזכר כלל כקאצ'י ורק כ„ראש" (אלרייס, צד 450, שורה 9), היינו שהיה איזה פקיד, ואי־ידוע אם היה מושלמי או יהודי.

ב' כותב מכתב א' היה שלמה הכהן ואביו, אשר אליו נשלח המכתב, היה יהודה הכהן „נין הגאונים" וגר בפסטאט. המחבר נותן לנו השערות אודות משפחתם (צד 455) ואין אחת מהם ראויה להתקבל. אין כל צורך לחשוב שיהודה הכהן דנן מוצאו ממרוקו, כי מר יעקב ועבוד, שברחו מסגלמאסה במרוקו מפני חמת האלמוחדין ושהכותב מכנם „דודַי", אפשר שבאו ממצרים למרוקו. ידוע עתה מכ"י הגניזה שצאצאי משפחת הגאונים בא"י, היינו של רב שלמה הכהן גאון ובנו אליהו הכהן גאון ובן בנו אביתר הכהן (בעל „מגלת אביתר" הידועה), גרו במצרים (השוה למשל ספרי Jews in Egypt and in Palestine ח"א, צד 187, וח"ב, צד 346). ובכן יהודה דנן ושלמה בנו התיחסו למשפחה זו.

ג' ההשערות של המחבר אודות יוסף בן עמראן, דיין סגלמאסה, שהמיר דתו כשאלצוהו האלמוחדין לכך (צד 456), ג"כ יש לקבל בספק. שמות כאלו, היינו יוסף ועמראן (=עמרם בעברית) היו רגילים הרבה בין היהודים, ויש לחוש ל„שני יוסף בן שמעון". מטעם זה אין לאַחֵד תיכף ומיד מר יהודה בן פרחון, שברח מסגלמאסה, עם רבי יהודה הכהן בן מר פרחון שמזכירו הרמב"ם. עוד פחות מזה יש לקבל ההשערה של המחבר שאחי יהודה בן פרחון, שנזכר במכתב דנן בסתם, היה רב שלמה בן פרחון, בעל „מחברת הערוך" הידועה.

ד' המחבר (צד 458) מוכן לאחד איזה אבו אלחסן, שמזכירו כותב האגרת, עם המשורר והפילוסוף המפורסם, רבי יהודה הלוי, שנקרא ג"כ בערבית בשם אבו אלחסן, ובא לידי מסקנא שעוד בשנת 1148 גר רי"ה באלכסנדריא עם אמו ואחותו. אבל ידוע שרי"ה, שכבר בא בימים בעת עזבו את ספרד לבקר את א"י, השאיר אחריו בארץ מולדתו בת ובן יחיד שלה. ידידיו ומכיריו השתדלו לעכבו כדי שלא יסכן את נפשו בנסיעה זו. היתכן שגם לקח עמו את אמו הזקנה (אם עוד היתה בחיים) ואחותו? אולם השם אבו אלחסן היה רגיל הרבה אצל יהודי מצרים כמו בשאר מדינות המושלמים (השוה למשל רשימת השמות בסוף הקטלוג של נייבויאר־קוילי, ח"א וח"ב, וספרי, ח"ב). ואבו אלחסן דנן היה איזה יהודי פשוט באלכסנדריא שאי אפשר לאמר עליו יותר ממה שמוזכר אודותיו במכתבנו. בכלל נחוצה זהירות מרובה בהשערות המיוסדות על שווי השמות גרידא של אנשים.

THE ASTROLABE IN JEWISH LITERATURE.

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I. INTRODUCTION.

WHEN the writer first encountered the word "astrolabe" in a Hebrew work, he looked in vain for some simple explanation of its meaning in the usual books of reference. The Hebrew dictionaries, including Ben-Jehuda, made no mention of it, nor is there any article upon it in the *Jewish Encyclopedia*, although it is mentioned in the one on astrology. This absence of material led the writer into a rather extended study of the subject and revealed a rich field of Hebrew activity in the Middle Ages—a field which produced numerous works by scholars of eminence, not merely with reference to the astrolabe as an instrument used by astrologers, but with respect to the theory upon which it rests and to its use in early scientific astronomy.

In the present article, however, limits of space require that only the philological and literary phases be considered, except for a few introductory words as to the nature of the instrument itself.

The astrolabe was the most important astronomical instrument of the Middle Ages. It consists of at least one circular disc upon one or both faces of which there is a revolving radius containing small holes for sighting a star or another object. It was used for taking the altitudes of the heavenly bodies, for calculating latitude, for determining time, and for finding angles of elevation or depression. It was also, and probably chiefly, used for astrological purposes, being the basis for the casting of horoscopes. Its history goes back to ancient Babylon and it is referred to in the literature of the Ptolemaic period in Egypt. For nearly two thousand years it was in use in European countries, being supplanted in the seventeenth century by instruments of greater precision, many of them being merely modern developments of the astrolabe itself.

From Greece the instrument seems to have found its way to India and China, and later to the great capital of the Caliphs at Bagdad, whence it returned to Europe, and particularly to Spain with the advancing flood of Mohammedan conquest. It was improved by the Arabs in various ways, and there is an extensive literature upon the subject in the Arabic language.[1] The manufacture of astrolabes was soon taken up by European scholars and instrument makers and many specimens, some of them exceedingly elaborate, are to be seen in museums and in private collections.[2] Among the best-known of the medieval scholars who showed an interest in the subject was Gerbert of Aurillac, afterwards Pope Silvester II (*c.* 1000), who is thought to have written a treatise upon the astrolabe, or at any rate to have possessed a translation of such a work from the Arabic into Latin. Arabic influence showed itself, however, throughout the eleventh century, as is seen in the technical terms connected with the astrolabe and the heavenly bodies, all this preceding the period of the real influx of Eastern astronomy.[3] It is with the introduction of Arabic astronomy that the astrolabe finds a place in Hebrew literature,[4] a movement which it is the purpose of this article to consider.

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[1] M Steinschneider (*Hebraeische Uebersetzungen*, p. 536) speaks of several hundred Arabic manuscripts upon the astrolabe. Dr. Alexander Marx has also called my attention to Steinschneider's list of about two hundred manuscripts in a series of articles "Arabische Mathematiker und Astrnomen", in *O. L. Z.* 1901, p. 442, to 1923, p. 495. Dorn ("Drei astronomische Instrumente" *Mémoires de l' Académie de St. Petersburg*, IX, no. 1, pp. 83-88) speaks of seventy-four kinds of astronomical instruments most of which are types of the astrolabe. He mentions (p. 88) an Arabic writer who describes upwards of sixty forms of the instrument, and he mentions a considerable number of typical specimens to be found in European collections.

[2] There are several private collections in the United States. Professor David Eugene Smith has been kind enough to place at the writer's disposal a number of astrolabes besides a large amount of other historical material in his library.

[3] C. H. Haskins, *Medieval Science*, pp. 8, 9, 115; L. Thorndike, *History of Magic and Experimental Science*, I, 698 ff.

[4] One of the earliest treatises of this period is the *Kli N^{e}ḥosheth* of Abraham ibn Ezra, written 1146–1148. There was, however, an Arabic treatise written by the Jewish scholar Mashalla (770–820), mentioned by Steinschneider in his

II. MANUSCRIPTS ON THE ASTROLABE.

In Steinschneiders' works[5] there are various references to Hebrew MSS. which contain translations of Arabic treatises on the construction, uses and description of the astrolabe, these appearing under such titles as מעשה האצטרלב, אגרת האצטרלב, ספר האצטרלב, מעשה כלי האצטרלב, פי' האצטרלב, ספר המעשה בכדור הגלגל, אגרת המעשה בלוח הנקרא צפיחה. These translations belong chiefly to the thirteenth and fourteenth centuries and are anonymous. Some are translations of an Arabic treatise by Ibn al-Saffar and have been attributed to Jacob ben Makhir ibn Tibbon.[6] Besides there is a Hebrew treatise on the astrolabe, under the title כלי נחושת written by Ibn Ezra,[7] and there are some other MSS., mostly anonymous, in the library of the Jewish Theological Seminary of America.[8] The following is a list of some of the more important of these works:

1. The כלי נחושת of Abraham ibn Ezra. The Edelman edition (herein after referred to as A) above mentioned, is very poor, having apparently been prepared by one who was unable to read or understand the text. There are several MSS. of this work, differing in various respects, and the writer hopes in the near future to set forth the results of a critical study of each and to show the relation of this work to various anonymous books on the astrolabe.[9] The library of the Jewish Theological Seminary

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Arabische Literatur, p. 18, and *Europaeische Uebersetzungen*, pp. 34, 49, 59 This work was translated into Latin and formed the basis of Chaucer's treatise on the astrolabe. The Latin version was appended to Reisch's *Margarita Philosophica*. At about the same time that Ibn Ezra wrote, Abraham Savasorda (*d.* 1136) is thought to have assisted Rudolph of Bruges in his translation of his *De astrolabio*.

[5] *Hebraeische Uebersetzungen*, pp. 580 ff., 590 ff., 596, 638, 649, note 367, and especially pp. 536 ff., 553; the *Catalogue of Hebrew Manuscripts*, *Munich*, pp. 21 ff., 117 ff., 150, 162; and the *Catalogue of Hebrew manuscripts*, *Berlin*, II, 71ff., No. 222; pp. 78, 153.

[6] Steinschneider, *Hebraeische Uebersetzungen*, pp. 580 ff.

[7] Edited by Edelman, and printed at Koenigsberg in 1845.

[8] In New York City. Through the kindness of the librarian, Professor Marx, the writer's attention was called to these manuscripts.

[9] In the meantime the reader is referred for further information to האסיף, edited by Filipowski, Leipzig, 1849, pp. 106–109; החלוץ XI, p. 92; H. I.

possesses three MSS. of the כלי נחושת. The first of them (hereinafter referred to as B[1]), is in a codex signed כרך ספרי הראב"ע 159, folios 1–5, and the text is the same as one already described by Steinschneider.[10] The second one (to be referred to as B[2]) is in a codex bearing the mark, "MS. Dr. L. Loewe," (folios 72–92), and the text is the same as in the preceding item, each representing the abbreviated and later version of 1148.[11] The third of these MSS. (to be referred to as C) is in the volume marked "Cod. Sulzberger" ראשית חכמה להראב"ע (pp. 52–72), and has been identified by Professor Marx as the longer and earlier version of 1146, being similar to Cod. Munich, No. 299, if not textually the same.[12] There is also a MS. of the כלי נחושת in Columbia University Library, bearing the mark "x 893, Ez. 72." Its text is apparently the same as the text of the MS. upon which the Edelman edition is based. It contains almost all the mistakes of ed. Edelman, and only a few different readings.

2. The פי' האצטרלאב. Of this there are two MSS. in the Jewish Theological Seminary, the first being found in "Cod. Hirsch 58" (folios 89b–102a), and the second, under the title כלי האצטרלאב, in "Cod. Sulzberger" (pp. 1–18). Each has been identified by

Michael's אור החיים, p. 79; Steinschneider in *Gesammelte Schriften* (edition Marx-Malter, Berlin, 1925) p. 494; *Hebraeische Uebersetzungen*, p. 583, note 338; *H. B.* VII, p. 17; *Z. D. M. G.*, XVIII, p. 150; XXIV, p. 344; *Catalogue of Hebrew manuscripts, Munich*, pp. 121, 123, 162; *Catalogue of Hebrew manuscripts, Berlin*, II, p. 69, No. 220, g.

[10] That is as "Cod. Hebr. No. 3495" in the *Catalogue Munich*, p. 121. The marginal note אש דת in folio 1b (appearing as דת on folios 1b and 2b) is an abbreviation of אמר שלמה דוין תלמיד, the name of a well-known copyist and translator of the fourteenth century, ד"ת standing for דוין תלמיד or דברי תלמיד. In this דוין is Doyen or Davin. See Steinschneider in the *Z. D. M. G.*, XVIII, 173; H. B., VII, 17 seq.; *Catalogue Munich*, 191 seq.; *Hebraeische Uebersetzungen*, p. 608; Malter, ספרות ישראל, 283.

[11] As already noted by Professor Marx in his description of the MS. on the first folio.

[12] There is a copy of the printed כלי נחושת in the Steinschneider collection of the Jewish Theological Seminary which contains several marginal notes, written by Steinschneider, with corrections of the text according to "Cod. Hebrew Munich 299." I found all the readings of "Cod. Hebrew Munich 299" in MS. C. Compare the notes of the Steinschneider-copy on the pp. 4, 5 (about the missing list of contents), 7, 9, 10, 25 seq., 21, and MS. C pp. 53, 54, lines 19 seq., p. 55, line 8, p. 66 seq., p. 68. The list of contents is missing also in MS. C.

Professor Marx as the work of Ibn al-Saffar, translated into Hebrew by Jacob ben Machir.[13] They will be referred to in this article as D and E.

3. The anonymous ספר המעשה בכדור הגלגל, and אגרת המעשה בלוח הנקרא צפיחה in a codex of the Jewish Theological Seminary bearing the mark "MS. Steinschneider 14" to be referred to later as F.[14]

III. PRINTED SOURCES IN WHICH THE WORD אצטרולאב OCCURS.

The word אצטרולאב occurs in the following works:

1. Quotations in the works of Steinschneider mentioned in note 5.
2. Benjacob, אוצר הספרים, pp. 60, 240, 262, Nos. 59, 133–137, 200.
3. Ibn Ezra, כלי נחושת, pp. 4, 7, 35.
5. Harkavy, תשובות הגאונים, pp. 11, 148, Nos. 28, 314.
5. Yehudah ibn Tibbon, Translation of חובות הלבבות, III, 8; VIII, 4; VIII, 5; ed. Stern, Vienna, 1856, pp. 172, 401, 405.
6. Maimonides, *Commentary to the Mishna*, Erubin, IV, 2. (Hebrew translation by Joseph al-Fawwâl).
7. Don Duran de Lunel, אגרת חשן משפט, in Zunz, *Jubelschrift*, Hebrew section, p. 159.
8. Abba Mari, מנחת קנאות, Pressburg, 1838, pp. 104–108, 153.[15]
9. Joseph ha-Sephardi, אהל יוסף, supercommentary on Ibn Ezra, in מרגליות טובה Amsterdam, 1722, p. 30b, No. 66.
10. Tobiah ben Moses, מעשה טוביה, in עולם שפל, chapter 3.
11. Joseph Solomon del Medigo, ספר אילם, ed. Amsterdam, 1628, p. 14; ed. Odessa, 1864, p. 24. It is the fourth question of the Ḳaraite who is asking about the astrolabe as follows: שתי לנפשי כי האצטרולב נראה כמעשה צעצועים ותעתועים. Unfortunately the answer on this question, called מגד שמים, did not appear in print.

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[13] Described in Steinschneider's *Hebraeische Uebersetzungen*, pp. 580 ff.

[14] See *Hebraeische Uebersetzungen* pp. 552 seq. 590 ff., and hereafter in this paper.

[15] The text in p. 153 is the same as in the *Responsa* of Ibn Adret, I, No. 418; see hereafter, No. 12.

12. Solomon ibn Adreth, *Responsa*, I, Nos. 417, 418, 419,[16] and 772.[17]
13. Jacob Barukh Landau, האגור, in הל'. שבת, No. 507. It is a quotation of the last *responsum* mentioned in the preceding number.
14. Joseph Caro, בית יוסף, on טור או"ח No. 307, end, under כתב שתחת הצורה, and No. 308, end, under כתב הרשב"א; and in שלחן ערוך או"ח, No. 307, §17; No. 308, §50. Mordekhai Yafeh, לבושים No. 307, §17; No. 308, §50. Both Caro and Yafeh are based upon the *responsum* of Ibn Adret.
15. Shemtob Shaprut, quoted in Steinschneider, *Gesammelte Schriften*, p. 542.
16. Yehudah Mosconi, quoted in Steinschneider, *loc. cit.*, p. 562.
17. Tobiah ben Meir Levi, ברורי המדות, Prague, 1807, p. 55b.
18. Solomon Abigdor, in his מראה האופנים or ספר האשפירא,[18] Offenbach, 1720, p. 45b.

IV. THE FORMS, CORRUPTIONS AND EXPLANATIONS.

Concerning the writing and pronunciation of the word our sources show great variety and uncertainty, Referring to the numbers in section III above, they read as follows:

No. 1. אסטרלב, אסטורלאב, אצטרלב, אצטרלאב, אצטורלב, אצטורלאב.

Hebraeische Uebersetzungen, pp. 635 seq., and 890, has also the readings: אצטרובלין, אסטרובליוסו, אצטרוגולין.

No. 2. איצטלוב, אסטרלאג, איצטרלוב, אסטרלוב.

No. 4. איצטורליב, אצטורליב, אצטרליב.

No. 5. אצטרלאב, אצטורלב, איסטרולביין.

No. 8. אסור־לאו=אצור־לב; אטולא"ב, אשתולאד, אצטולא"ב, אצטורבל (as a witty remark and pun).

No. 9. קצטרלא"ב. No. 10. אשטרולאב.

No. 12. אשטורלב אצטרובלין.

No. 13. איצטורל"ב. No. 14. אצטרול"ב. No. 15. אצטורלאבי, אצטרולאבי.

No. 17. אטערלאב. No. 18. איצטרובלי.

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[16] The word occurs in the part called כתב ההתנצלות, and is to be found in ed. Venice, 1545, on p. 69b, and in ed. Vienna, 1812, on p. 55a.

[17] The same question is more fully treated in the *Responsa*, IV, No. 102.

[18] It is a translation of Sacrobosco's *Sphaera Mundi*.

These corruptions of course are to be ascribed to later copyists and printers to whom this word must have been quite a puzzle. But even the authors and their Arabic predecessors had no knowledge of the origin and real meaning of the word. It is the Greek word *ἀστρολάβον* originally an adjective *τό ἀστρολάβον ὄργανον* "the star-taking instrument." Thence it came into the Arabic, and from there, as a technical term, into the Hebrew, Latin, French, English and all the other European languages. With the spread of the knowledge of the instrument its name became also an international scientific term. But the origin and meaning were unknown to the later Arabic lexicographers and other medieval authors.

Lane in his Arabic English lexicon, which is based upon the authority of the old Arabic dictionaries, cites the forms اَصطرلاب = اسطرلاب (*asturlāb* and *aṣturlāb*) and اصطرلاب = اسطرلاب *usturlāb* and *uṣturlāb*),[19] and gives the fanciful derivation: "Lab was a man who traced some lines, and founded upon them calculations; whence اسطرلاب (*asturu lab*) the lines of Lab." 'Ali ibn 'Issa[20] explains the word as مقياس النجوم (*miḳyās al-nujūm*), "the measure of the stars." Haji Khalpha[21] refers to the forms *astrolāb* and *astrolaphūn*, and three different kinds of etymology. A Greek one: "the balance of the sun," or "mirror of the stars," an Arabic one, resembling the etymology of Lane, and a Persian one: "the finder of the position of the stars."[22] The right etymology is to be found in the Latin translation of Mashallah's treatise on the astrolabe, mentioned above.[23] There the beginning reads: *Astrolabium nomen grecum est cuius interpretatio est acceptio stellarum.*[24] In medieval Latin it was called *astrolabium*, *astrolabrum*, *astrolapsium*, *astrolapsus*, and also *waltacora Tolomea* (i.e. Ptolemea) *walzachora*, *walzagora*, *veza Koure*, *guazalcora*, *waztalcora*, *wazzalcora* as distortions of the Arabic phrase وضعة الكّرة *waḍ'at al-kurra.*[25] In China the forms *Tchouatou ha-la-ki* and *Tchouatou Tchopatay* are usual, as distortions of the Arabic words ذات الحلق, ذات الشعبتين *dhāt al-ḥalaḳ*, *dhāt al shu'batain.*[26] Murray, *English Dictionary*, cites the old English and French forms: astre-, astrylabe, astre-, astra-, astro-, astralabie, -labye; astre-, astro-, astellabre, astrolaboure; astyllabyre, astrylabry, astroloby, -ie, astralobe, astrolabe.

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[19] The last two forms are also given by Vullers, *Persian Lexicon*, pp. 97, 106.

[20] He lived in the tenth century and wrote an Arabic treatise on the astrolabe which was edited by Cheikho in the *Revue Al-Machriq*, Beyruth. 1913. The explanation is given on p. 20.

[21] *Lexicon Bibliographicum*, ed. G. Fluegel, Leipzig, 1835–58, vol. I, p. 324.

[22] The Greek etymology "mirror of the stars" is also given by Yehudah Mosconi (see preceding section, No. 16) as נגה הכוכבים וזהרם while "balance of the sun" corresponds partly to the rendering of Ibn Tibbon (in חובות הלבבות p. 172) as מאזני החוזים.

[23] Section I, end. I used the ed. Strassburg, 1512, of the *Margarita Philosophica*.

V. HEBREW AND ARABIC NAMES FOR "ASTROLABE"

Foreign words are hard to understand in the beginning and in general not favorably received. As far as possible we try to supplant them by native expressions. The same thing occurred to the word "astrolabe." The various authors usually try to paraphrase it by a Hebrew term.

1. Yehudah ibn Tibbon once[27] calls it מאזני החוזים "the scale of the astronomers"[28] and another time he calls it חוג החוזים "the circle of the astronomers."[29] 2. Many authors call it in a general way כלי ההבטה, כלי המבטים and כלי מחזה.[30] 3. Mordekhai Comtino and Jacob ibn Makhir call it *Ṣafīḥah*, both writing treatises on the astrolabe bearing the name מאמר תקון כלי צפיחה and אגרת המעשה בלוח הנקרא צפיחה.[31] They are imitating the Arabs who

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[24] The passage is quoted also in Steinschneider's *Arabische Literatur*, p. 18.

[25] See the following section of this paper; *Hebraeische Uebersetzungen*, pp. 633, 635; Dorn, *Astronomische Instrumente*, p. 83; Thorndike, *Histroy of Magic and Experimental Science*, I, 699; Haskins, *Medieval Science*, p. 28.

[26] See Dorn, *loc. cit.*, p. 85.

[27] חובות הלבבות., III, 8; p. 172.

[28] Compare Haji Khalpha (in the preceding section) who explains the word as "balance of the sun."

[29] חובות הלבבות, VIII, 4; p. 401.

[30] See *Hebraeische Uebersetzungen*, pp. 537, 538, 635 and source No. 7.

[31] Steinschneider, *Hebraeische Uebersetzungen*, p. 592, seq.; *Catalogue Munich*, p. 21.

very often also call the astrolabe مفيحة or ذات الصّفايح. 4. In the *Sepher Hayashar*[32] the astrolabe is called משטר הכוכבים[33]. The passage there reads as follows: ויצו יוסף ויביאו לפניו את משטר הכוכבים אשר לו אשר בו יודע יוסף את כל העתים. ויאמר יוסף אל בנימין שמעתי כי העברים יודעים בכל חכמה, התוכל לדעת מאומה בזה? It was regarded as the great wisdom of the astronomers and astrologers that they possessed the knowledge of the astrolabe which was considered as a "marvel of convenience and ingenuity," and called "the mathematical jewel."[34] It was used to determine the times (אשר בו יודע יוסף את כל העתים). Every well educated man was supposed to know a little of the construction and use of the astrolabe. Therfore the great number of treatises for the use of students. And, therefore, Joseph also wants to know whether Benjamin received the proper education in the use of the astrolabe. The phrase משטר הכוכבים admits two explanations: a. "Rule, government," like *Job*, XXXVIII, 33 אם תשים משטרו בארץ. In this case it is used in the same sense as משפט הכוכבים "rule, decree of the stars," in the astrological meaning, for the main instrument for casting of horoscopes.[35] b. From שטר سطر "to write, draw lines," משטר הכוכבים will be in this case: "the lines, plans of the stars," and it will correspond to the Arabic etymology اسطر لاب "the lines of Lab" mentioned above.[36] 5. A true, literal translation of the Greek "astrolabon" "star-taking" the writer believes to find in the Hebrew term משאת הכוכב occurring in *Mishle Sindbad*.[37] 6. Ibn Ezra introduced the name *Kli Neḥosheth*,

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[32] End of פרשת מקץ; ed. Berlin, 1923, p. 193.

[33] See also Louis Ginzberg, *The Legends of the Jews*, II, p. 98.

[34] *Encyclopedia Britannica*, under "Astrolabe."

[35] Compare also משטר המזלות in A. Z. Schwarz, *Die Hebraeischen Handschriften der Hofbibliothek zu Wien*, p. 118; and משפטי המזלות ib. p. 102 seq. About משפט הכוכבים see כלי נחושת pp. 27–31; Maimonides in his letter on astrology, in the beginning, (אגרת תשובות הרמב״ם, Prague, 1726, p. 8a); Zunz, *Gesammelte Schriften*, III, p. 93; Steinschneider, *Hebraeische Uebersetzungen*, pp. 3, 527, 579 seq.; *Catalogue Berlin*, II, pp. 136 seq.

[36] In the preceding section. To שטר compare also D. H. Mueller, in *Wiener Zeitschrift zur Kunde des Morgenlandes*, Vienna, 1887, p. 29.

[37] Ed. Cassel, Berlin, 1888, Hebrew text, verse 110; p. 2b. Steinschneider, *Hebraeische Uebersetzungen*, p. 890 refers to a manuscript having the reading אצטרוגולין, which is the same as אצטרלאב, instead of משאת הכוכבים.

"the brass instrument."[38] In the fifteenth century the same name was used by Mordekhai Comtino for his treatise on the construction of the astrolabe, namely *Thikkun Kli Neḥosheth*.[39] The term *Kli Neḥosheth* was accepted by many other authors as for instance: Joseph al-Fawwâl,[40] Solomon ibn Adret[41] and others.[42] Yehudah Mosconi[43] refers to the fact that Ibn Ezra called it also *Kli ha-'Iṣṭagninuth*'' "the instrument of astronomy." This statement is corroborated by the two manuscripts representing the later and shorter version of the *Kli Neḥosheth*, mentioned above as B1 and B2.[44] 7. The Arabs also use a great deal of vernacular denominations for the astrolabe and its various kinds and species, as for instance: *dhāt al-ḥalaḳ*, *dhāt al-kursiyy*, *dhat al-ṣafā'iḥ*, *waḍ'at al-kurrah*, *ṣafīḥah*.[45] The *safīḥah* is a table or disc (לוח טבלא) with the projection of the sphere for different latitudes. This is the so-called "planisphere" which forms the main part of the astrolabe. The same thing is said by the Hebrew definition of Mordekhai Finzi[46] צאפיחה הוא שטח נתפשט עליו הכדור כולו וכל אחד מגלגליו מתיחסים זה עם זה and by the Arabic name *waḍ'at al-kurrah* or *tastīḥ al-kurrah* which means "the projection of the sphere on a flat table" = *planispherium*. Steinschneider is still doubtful whether the *ṣafīḥah* is the same as the astrolabe or not. He says: "Der Arabische Titel *waḍat al-kurrah* wurde vielleicht fuer Astrolabium und Planispherium gebraucht."[47] Consequently he treats them separately. But we may state with certainty that they are the same thing under different names. "Das Astrolab ist factisch ein Planisphaerium." says Weissenborn.[48] In the *English Dictionary* of Murray[49] we read: "The Astrolabe is called of some a Planisphere, because it is both flat and round representing the Globe or Sphere, having both his Poles clapt flat togepher." What is true of the armillary sphere, that "a collection of circles such as is the armillary sphere, if each circle were fitted with a view-tube, might be considered a complete astrolabe,"[50] is also true of the *ṣafīḥah.* A few tables or discs fitted with the view-tube and the ring-handle might be considered a complete astrolabe. This letter one, the flat astrolabe, was called *dhāt al ṣafā'iḥ = ba'alath haluḥoth*, "the instrument with the tables," while the ring-astrolabe or amilllary sphere was called *dhāt al-ḥalaḳ = kli ba'al ha'azaḳoth* or *ba'al haṭaba'oth*, "the instrument with the rings or circles."[51] Besides the planisphere and the armillary sphere there was also a spherical astrolabe having the form of a globe. This latter one was called in Arabic *al-kurrah*, "the globe," or *al-kurrah al-nujūmiyyah*, "the astronomical globe," or also *al-kurrah al-falakiyyah*, "the spherical globe." The globe, being fixed upon a basis or pedestal, was also called in Arabic *dhāt al-kursiyy*, and in Hebrew *ba'al hakisse*, "the instrument with the pedestal, or stool."[52] A detailed description of such a Globe we find also in the Hebrew astronomy of David Ganz, *Neḥemad wena'im*, chapter 31. In consequence of all this we may state that all the manuscripts quoted by Steinschneider[53] as bearing the names אלכר̈ה̈ אלנג̇ומיה, אלכרה̈ אלכבירה, צפיחה, רסאלה̈ ד̇את אלכרסי, ספר המעשה בכדור הגלגל are nothing else than treatises on the astrolabe in its two main forms, namely the planispheric and spherical ones, called in Arabic also *al-asṭorlab al-musaṭṭaḥ wal-astorlab al-kuriyy.*[54]

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[38] See his book of the same name, p. 7 וקראתיו כלי נחושת מפני שרובם עושים אותו מנחושת and his commentary to *Gen. XXXI, 19*, under תרפים.

[39] See Steinschneider, *Hebraeische Uebersetzungen*, p. 593; *Etudes sur Zarkali*, p. 72; *Catalogue Munich*, p. 22.

[40] In his translation of Maimonides' commentary to the Mishnah, *Erubin*, IV, 2.

[41] *Minḥath Ḳannaoth*, pp. 104–105.

[42] See also Steinschneider, *Catalogue Berlin*, II, 143.

[43] Steinschneider, *Gesammelte Schriften*, p. 562.

[44] They read in the beginning as follows: השמות: זה הספר יקרא אסטגנינוס וקראתיו כלי הנחושת בעבור שיעשו רובם מנחושת (B^2 reads אצטגנינוס).

[45] See *Hebraeische Uebersetzungen*, pp. 536, 577, 590–593; Dorn, *l. c.* pp. 83–88; *Z. D. M. G.*, XLII, pp. 23–25, 29.

[46] *Hebraeische Uebersetzugen*, p. 592, note 413.

[47] Ib. p. 535.

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[48] Quoted by Steinschneider, *l.c.*, p. 535, note 259.

[49] Under *planisphere*, VII, 947.

[50] *Encyclopedia Britannica*, 11th ed., II, 795.

[51] See *Z. D. M. G.*, XLII, pp. 19 ff., 23, 29; *Hebraeische Uebersetzungen*, p. 548, note 53; p. 553, note 96; Dorn, *l.c.*, p. 85.

[52] See *Hebraeische Uebersetzungen*, pp. 552–554; Dozy, *Supplement to the Arabic Dictionaries*, II, 455, I, 492; Dorn, *l.c.*, p. 85; Meucci, *Il Globe Celeste Arabico*, pp. 10 seq.

[53] *Hebraeische Uebersetzungen*, pp. 552–554, 557, 590–593.

[54] See *Hebraeische Uebersetzungen*, pp. 536, 553, Dorn, *l.c.*

VI. THE ASTROLABE IN BIBLE EXEGESIS

The description of the *ḥoshen wa'ephod* in Exodus XXVII and the enigmatic nature of the *urīm wethumīm* gave cause to some of the rationalists to explain the *urīm wethumīm* as a kind of astrolabe. This aroused great indignation among the conservatives who regarded it as a blasphemy. So the astrolabe became a factor in the historical conflict between the rationalists and conservatives in the thirteenth century. The chief authority of the latter in this strife, Rabbi Solomon ibn Adreth, gives utterance to his indignation in words of wrath: ומכתב מארצם יראו עינינו. . . . כי האורים והתומים הם היו כלי נחושת הנקרא אשתולא״ד. . . . מי שמע כזה ולא יצא לבו?. . . ועתה הגדילו לעשות סרה לכפור בעקרי התורה. . . כי האורים והתומים הם כלי נחושת, אשר מצאו הכמי העמים, הנקרא אטולא״ב, אוי לו לדור שכך נאמר בו. To which Abba Mari replies על דבר העורים והפסחים. . . האומרים כי האורים והתומים הם כלי האצטולא״ב אשר בה יעוננו, שמענו והרדנו חרדה גדולה. . . . כי באמת כתבו בקרן השור שאין להם חלק באלקי ישראל.[55] No name of those identifying the *urīm wethumīm* with the astrolabe is mentioned. However, the writer thinks that they could refer to such an authority as Ibn Ezra.[56] All the veiled allusions in his commentary seem to suggest the idea of the astrolabe. On the other hand he appears to be afraid of revealing his opinion explicitly. In the words ולו הואלתי לגלות זה הסוד לא יכולתי לכתבו כפי המכתב שחברתי בפי' הספר כלו כי לא יבינגו מי שלא למד ספר המדות וסוד מלאכת השמים he refers to his book *Kli Neḥosheth.* The supercommentaries, in *Margolioth Ṭobah*, do not know this, but Yehudah Mosconi and Shemtob Shaprut[57] explain Ibn Ezra in that way, namely that the *urīm wethumīm* are the astrolabe. Naḥmanides also understood Ibn Ezra in that way, and therefore he sharply protested against his view, saying סבר ר״א להתחכם בענין האורים והתומים ואמר כי הם מעשה אומן. . . כי חשב שהם על הצורות שיעשו בעלי הכוכבים לדעת מחשבת השואל, ולא אמר כלום.

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[55] See *Minḥath Ḳanaoth*, pp. 104–106; Ibn Adreth, *Responsa*, Nos. 417–418 (No. 418 corresponds to *Minḥath Ḳanaoth*, pp. 152–154); Don Duran de Lunel, source No. 7., above. See also יסוד מורא, chapter 9.

[56] See his commentary to Exodus, XXVIII, 6 ff.

[57] See sources Nos. 15, 16.

[58] Compare also Abraham Harophē, *Shilṭē Hagibborīm*, Mantua, 1612, p. 49a.

On the other hand some of the conservative authorities[59] endeavor to find the astrolabe in the *Theraphim*, but Ibn Ezra contradicts them.[60] Abba Mari sees the astrolabe also in the words וקסמים בידם, Numbers XXII, 7, which he explains with Rashi as כל מיני קסמים שלא יאמר אין כלי אומנתי בידי.[61]

VII. THE ASTROLABE IN TALMUD AND HALAKHAH

Maimonides in his Mishnah-commentary[62] explains the sight-tube of Rabban Gamliel, with which he used to measure distances, as an astrolabe.[63] The origin of this explanation can be traced to Hai Gaon[64] who describes the tube of Rabban Gamliel as a sort of primitive astrolabe. And it must indeed have been some portable astrolabe, since such instruments were widely known and used in Greece from about 200 B. C. E., that is more than three hundred years before R. Gamliel, and there were no other instruments known for that purpose.

Mar Samuel once boasted that "the paths of heaven were as clear to him as the paths of his town Nehardea."[65] If this is not to be counted a hyperbole, then it only means that he knew the movements, positions and distances of the stars in the different degrees of longitude and latitude. And if we credit him with such a knowledge, and there is no reason why we should not, we must assume that he used the astrolabe. Because there were no other means of getting this knowledge than by the astrolabe.

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[59] Naḥmanides to Genesis, XXXI, 19; Don Duran de Lunel, *l.c.;* Abba Mari, *Minḥath Ḳanaoth*, p. 106 seq.

[60] *Gen. l.c.*

[61] *Minḥath Ḳanaoth*, 106 ff. Abba Mari apparently read those words also in the *Sifrē* which he quotes. The writer, however, did not find them in the *Sifrē*, only in *Thanḥuma* and *Bmidbar Rabbah.*

[62] To 'Erubin, IV, 2.

[63] See *Babli*, *'Erubin*, 43b תנא שפופרת היתה לו לרבן גמליאל. The *Yerushalmi*, *ib.*, IV, 2, reads מצודות instead of שפופרת. This is most likely a corruption, and it is to read, with Rabbi Ḥananel on *'Erubin*, 43b, מַצוֹפִית. The meaning of מַצוֹפִית is "sight-instrument" from צפה "to watch, observe;" see *Arukh completum*, VII, 33; VIII, 138. It is different from the word מְצַפִּית ="a mouthpiece" occurring in Misnah, *Kelim*, XI, 7, and quoted also in the dictionaries of Jastrow, II, 824, and Dalman, p. 237. Jastrow, ib. and p. 823, reads in the *Yerushalmi* מצופות instead of מצודות by conjecture. In the same form he quotes the *Yerushalmi* in his article in Jewish Encyclopedia, II, 247, without giving account that it is only a conjecture of his.

[64] See Harkavy, *Theshuboth Hageonim*, pp. 11, 147; Nos. 28, 314.

[65] *Ber.* 58b.

In the later Halakhah the use of the astrolabe on a Sabbath day is a subject of controversy. Abba Mari ben Joseph and Yehudah ben Barzilai[66] forbid it. The latter one used to say the pun אצור ·לב בשבת is an אסור לאי[67]. But Solomon ibn Adreth[68] allows it, because it is equal to the reading of a scientific book, which is permitted. The later decisors[69] join Ibn Adreth; some of them, with the reason that even R. Gamliel used it on a Sabbath day.

VIII. Terminology.

In the following I wish to record certain Hebrew terms for single parts of the astrolabe. This is far from being complete and exhaustive, but it certainly will be of help for a future edition of the Hebrew treatise on the astrolabe. The terms are taken from the various manuscripts on the astrolabe, mentioned above (section II) and are quoted under A, B1, B2, C, D, E, F,(see above). The Arabic treatise on the astrolabe by 'Ali ibn Issa[70] is referred to as G. At the end of this treatise[71] there is also an Arabic list of technical terms from the *Kitāb Mafātīḥ al-'Ulūm*[72] to which reference will be given. We will mention six parts of the astrolabe, following the order given by Ibn Ezra in his *Kli Neḥosheth.*[73]

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[66] *Minḥath Ḳanaoth*, pp. 106–107.

[67] Quoted also in *Hebraeische Uetersetzungen*, Introduction, p. XXIII; and by Zunz, *Zur Geschichte and Literatur*, p. 483.

[68] *Responsa*, I, No. 772; IV, No. 102.

[69] See sources Nos. 13, 14.

[70] Edition Cheikho in *Revue Al-Machriq*, Beyruth, 1913, mentioned above, section IV.

[71] P. 20.

[72] Written by Abu 'Abdallah Muhammed al-Khuwarizmi, published by Van Vloten, Leiden, 1895. The chapter containing this list bears the title *Fi alāt al-munajjimīn* "on the instruments of the astronomers." Further reference is also given to a list of Dorn, *l.c.*, p. 26–28; to Woepcke, "Ueber ein Arabisches Astrolabium", in *Abhandlungen der Akademie der Wissenschaften*, Berlin, 1858; and to the data of Steinschneider in his works mentioned above.

1. The ring, *armilla suspensoria*, תלוי=תליא=שלשלת=שרשרת=טבעת. טבעת corresponds to the Arabic *al-ḥalaḳah*, and תליא to the Arabic *al-'allāḳah.*

A, p. 7, reads: תחלת הכלי הוא הטבעת, והוא השלשלת אשר בו יעלה[74] הכלי וראוי להיותו טבעת בתוך טבעת.

B1 and B2 read: . . . . ויש באחורי האם שתי שרשרות זאת בתוך זאת והשרשרת העליונה תקרא תְּלְיָא (תליה B2) כי ממנה יתלה כל הכלי.

C reads: האם יש בה שנים אלכסונים האחד יורד מהראש והוא השלשלת שממנה יתלה הכלי כולו.

D and E read: תחלת זה היא הטבעת ותקרא התליה.

F, p. 31a, reads: והקטר העובר מן התלוי, אלעלאקה̈, והוא שקוראים הטבעת עד שפל הלוח הוא סבוב השווי.

Some of the versions, as we see, omit reference to the other ring which is a smaller lower ring, called *al-'urwah* = *ansa* = *Handhabe* = handle.[75]

2. The throne כרס A, p. 7, reads: הכרס אשר בו קבוע הטבעת והוא בליטה יוצא מן האם.

Dorn says:[76] "den Ansatz, Thron, *al-kursiyy*, den an der Scheibe befindlichen Teil, in welchem die Handhabe befestigt ist." Ben-Jehuda[77] gives a Hebrew derivation for *keres*. But it is apparently an Arabism. There are two kinds of *al-kursiyy*. The one is the "stool" of the globe or spherical astrolabe.[78] This is in Hebrew *kisse*.[79] The other one is the "head-piece," "throne," of the lowest disc, the mother, or its border, on which the ring is fixed. This is rendered in Hebrew by כרס and also קרס.[80]

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[73] A p. 7, reads: כלי נחושת יש בו טבעת וכרס ואם ובנות ורשת ובריח וסוס ורוכבו ועתה אפרש כל אחד על מקומו.

[74] Read יתלה.

[75] See Dorn, *l.c.*, p. 27.

[76] *Loc. cit.*

[77] *Hebrew Dictionary*, V, p. 2525.

[78] Wherefore this latter one is called *dhāt al-kursiyy;* see above, section V.

[79] See F, p. 3.

[80] See F. p. 90a, line 3: אחר זה הקרס והוא מחובר בה. The form קרס also in *Catalogue Munich*, p. 119, No. 246, 9.

3. The "mother," *mater*, אם, אלאֿם. This is the lowest table surrounded with a relief-ring or border, *al-ḥujrah*, in which all the other discs are contained. This border is sometimes, erroneously, also called *mater*.[81] The relief-ring or border is in Hebrew[82] עגולה קיצונה=קו הסובב=תא=חגורה=חיק. The mother is called *ṣafīḥah* by Hai Gaon.[83] Moreover, we have to distinguish between the front and the back of the mother. The front is called *facies antica*, פני האם, *al-wajh*. The back is *dorsum*[84] אחורי האם=אלט'הר=גב.[85]

The following prove the correctness of the statements made above:

G, p. 20, אלאֿם הי אלצפיחה אלספלי "The 'mother,' this is the lowest disc."

Ib. אלחג'רה הי אלח'לק'ה אלמחיטה באלצפאיח אלמלצקה באלצפיחה אלספלי וקד תכון מקסומה בת'לת'מאיה וסתין קסמא.

"The 'border' is the ring surrounding the discs and fastened to the lowest disc; and it is divided into 360 parts." The same definition is also given on p. 7.

A, p. 7: ואחר זה האם והוא השטח העגול שהוא בחוץ אשר בתוכו כל הלחות ועליהם הרשת ואחוריה הבריח ונקראת לה האם מפני ששאר הלוחות כדמות בנות לה.

A, p. 9: פני האם ישתנו הסובב[86] והוא נהלק לש"ס מעלות ונקראת ג"כ חיק ונקראת ג"כ חגורה.

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[81] See Dorn, *l.c.;* "den erhabenen Rand = *ḥujrah-ḳuffah* = *tauḳ* welcher nach einigen gleich *al-'umm* ist."

[82] Steinschneider in the marginal notes to his copy of *Kli Neḥosheth*, p. 9 (see above, section II) first corrects חיק into תיק and then in חק. In *Hebraeische Uebersetzungen*, p. 583, note 339, he reads תיק and in p. 596 he reads בידיעת החק והגב. In the former passage he also identifies אם with חגורה, תיק and מעצר. To my mind the three different terms denote three different parts. 1. אם is the mother. 2. חיק = *ḥujrah* = חגורה = bosom, is the border. The only correct form is חיק (תיק and חק are corruptions). 3. מעצר is the alidade; see infra.

[83] See Harkavy, *Theshuboth* Hageonim, p. 148.

[84] Dorn, *l.c.*, pp. 27, 145.

[85] Compare בידיעת החק והגב mentioned above.

[86] This text is corrupt. In Ben Jehuda, *Hebrew Dictionary*, III, 1443, the passage is still more distorted into פני האש ישתנו הסובב. The correct reading is פני האם, יש תא הסובב. The use of the term תא occurs very often in A; see pp. 16–17, 37, 41–42 וסמן בתא B1, p. 3a, lines 20 seq. reads ועשה סימן בחיק.

B1, p. 1a: והלוח הראשון שכל הלוחות בקרבו יקרא האם כי הלוחות כבנים בקרבה, ולאם פנים ואחור.

B1, p. 1b: פני האם, החיק: החיק היא עגולה קיצונה נחלקת בחלוק שוה על ש״ס מעלות הגלגל.

B2, p. 74a:=B1.

C, p. 53: כלי הנחושת יש בו לוחות רבות, והלוחות (read והלוח) העגול שהוא מחוץ שיש בתוכו כל הלוחות יקרא בלשון ישמעאל האם כי הלוחות כדמות בנות לה.

C, p. 54: פני האם: יש תא בקו הסובב והוא נחלק על ש״ס מעלות.

D, p. 2: ואחר זה האם והיא הלוח הגדולה המקבצת ללוחות, ובה החיק הנקראת החגורה.

E=D.

4. The "network", רשת, שבכה, אלשבכה̈=*rete*; or also *al-'ankabût*=*aranea*=spider, Spinne. In Latin also *volvellum*.[87]

G, pp. 7, 20: אלענכבות הי אלשּׁבכה̈.

A, p. 11: ויש על גבי הלוח רשת ונקרא ג״כ שבכה, והוא אשר בו המזלות והכוכבים.

5. The rule, בריח, מעצר[88] Arabic *al-'idādah;* hence the English form Alhidade;[89] Latin and German *regula*, *Regel*. מעצר is the translation of *regula*, and בריח of *al-'idādah*. Hai Gaon calls the rule מטוטלת.[90]

The two *Dioptra* of the Alidade are in Arabic *libnatāni*, *daffatāni*, *shaẓiyyatāni*, and in Hebrew דפין.[91]

6. The horse and the rider, סוס ורוכבו.

A, p. 13: ואין צורך להזכיר הסוס של הכלי נחושת ורוכבו, והם המסמרים המחברים הכלי, כי כל אחד עושה אותם כרצונו.

D, p. 2, lines 20 seq.: עוד אחר זה החור והוא הנקב אשר באמצע השבכה ובתוכו העמוד המחזיק ללוחות והסוס הנכנס בתוך העמוד להחזיק אותו.

E, p. 90a, lines 22 seq.: עוד אחר זה העמוד והוא מסמר הנכנס בנקב מונח על מרכז השבכה והלוחות והאם, ונקרא הקוטב, והוא המקבץ והמחזיק לכל הלוחות אשר באצטרולב. אחר כן הסוס והוא נכנס בקוטב ומחזיקו. עוד אחר זה

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[87] See Dorn, *l.c.*

[88] *Catalogue Munich*, No. 246, 4 מעצד is a misprint.

[89] See Murray, *English Dictionary*, I, p. 218.

[90] See Harkavy, *l.c.*, p. 148: ומציב בו את השפופרת במסמר כדרך שמציבין את המטוטלת הנקראת עצ̇אדה̈.

[91] See Dorn, *l.c.;* G, pp. 6, 20; F, p. 32a and b; D, p. 2, last line וכן שני דפין.

החור, והוא הנקב אשר באמצע השבכה, ובתוכה העמוד המחזיק ללוחות והסוס הנכנס בתוך העמוד המחזיק אותו.

G, p. 20: אלפ́ר́ס הו ,קטעה̈ שביהה̈ בצורה̈ אלפרס י́ש́ד̃ בהא אלענכבות עלי אלצ̃פאיח. אלק́טב הו אלו́ת́ד אלג̇אמע ללצפאיח ואלענכבות.

So we see that the רוכב of A corresponds to the עמוד or קוטב, and we have to distinguish three parts:

a. The hole, centre[92] הנקב אשר באמצע השבכה=אלכ̇רק=אלמ́רכ́ז= אלמ́ח́ן=החור.

b. The pole, also *clavis axis*, *Bolzen*. In Hebrew and Arabic עמוד, רוכב, קוטב, אלק́ט̊ב, אלמ̇ח̊ור, אלמ̇סמאר, אלו́ת́ד.[93]

c. The horse, or also wedge. סוס, Arabic, *al-faras*, hence *Alferath*.[94,95]

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[92] See Dorn, *l.c.*, pp. 27, 77, 79; Woepcke, *Arabisches Astrolabium*, p. 2. Steinschneider, *Hebraeische Uebersetzungen*, p. 593, cites אלאחור=חור. But the word reads in F, p. 32b מן הנקב הנקרא אלמחור, and even this is wrong. It ought to read אלמ̄ח̄ן.

[93] See Dorn, *l.c.*, pp. 27, 77, 79. The form *Alchitoth* quoted by Dorn, *ib*, and occurring in the English Astrolabe of Chaucer is a distortion of the Arabic *al-kotb.*

[94] In the Astrolabe of Chaucer; see Dorn, *l.c.; Encyclopedia Britannica*, under *Astrolabe* (Plate). Both forms *Alchitoth* and *Alferath* are missing in Murray's Dictionary; he mentions, however, the word *Alferes.*

[95] I wish to express my appreciation of the assistance of Professor David Eugene Smith in the preparation of my manuscript.

BENDEL AHRWEILER

Von M. GINSBURGER, Strasbourg.

BENDEL-BENDIT oder Baruch, Sohn von Simson, aus Ahrweiler bei Coblenz, war um die Mitte des 15. Jahrunderts Besitzer der jetzt in der Staatsbibliothek zu Bern befindlichen Handschrift Nr. 200, die im Jahre 1290 geschrieben wurde und das hebraeische Woerterbuch "Maḥberet" des Menaḥem ben Saruk, ein Lapidar, und den kleinen Aruch enthaelt.

Bendel hat auf dem Rande und auf leeren Blaettern des Codex eine reihe von Notizen und Gedichten und Rezepten verzeichnet, die z. T. schon veroeffentlicht sind. So hat David Kaufmann im Jahrbuch האסיף, II, 293–299, die von Bendel verfassten hebraeischen Gedichte, in der M. G. W. J, 1885, 190, einige Notizen, und J. Perles in der *Jubelschrift zum 70. Geburtstag des Prof. H. Graetz*, 24, ebenfalls Einiges publiziert.

Wir ersehen aus diesen Veroeffentlichungen, dass Bendel den aerztlichen Beruf ausuebte und eine fuer seine Zeit beachtenswerte Kenntniss der hebraeischen Sprache besass.

Aber weder Kaufmann noch Perles hatten eine Ahnung davon, dass Bendel auch auf dem Gebiete der Kabbalistik sich betaetigt hat. Und doch ist dem also. Denn der kabbalistische Commentar zu den 13 Glaubensartikeln in Cod. 2252, 3 zu Oxford, den Neubauer einem Barukh ben Schimschon zuweisst, stammt in Wirklichkeit von Bendel Ahrweiler, da בענדינו einfach aus בענדיט verlesen ist.

Da ich nun vor kurzem infolge der Liebenswuerdigkeit der Berner Bibliotheksverwaltung die Gelgenheit hatte, in die genannte Handschrift Einsicht zu nehmen, moechte ich hier auch die andern, von Kaufmann und Perles nicht beruecksichtigten Notizen, die der Feder Bendels entstammen, einer Besprechung unterziehen und der Gelehrtenwelt zugaenglich machen.

I. Randnote zu Maḥberet כדכוד (fol. 42a). Zwei Engel sritten sich um die Sache (sc. zu wissen, aus welchem Edelsteine das Heiligtum erbaut werden sollte). Der eine meinte, es sei der Jaspis, der andre war fuer den Schoham. Da sprach Gott ושמתי כדכר, d. h. ich werde so und so tun, ich werde beide benuetzen. Das wird auch durch Prov. 8, 21 bestaetigt, wo יש als Anfangsbuchstaben der Worte ישפה und שהם zu deuten ist. Diese Erklaerung hatte Bendel von seinem Schwiegervater R. Falk vernommen.

II. Randnote zu Maḥberet מרזח (Fol. 53a). Das Wort, das sich Jer. 16, 5 und Am. 6, 7 findet, wird nach Keth. 69ab und M. kat. 28b als Trauer erklaertt. Vgl. Levy, *Neuhebr. Lexikon*, p. 247 s. v. מרזיחא.

III. Tabelle zur Ermittlung, ob und wann Jemand sterben oder von seiner Krankheit genesen wird. (Fol. 103a).

IV. Masse und Gewichte, die in der Medizin und Pharmacopie gebraeuchlich sind. Bemerkung: Dit ist der recht Modinn der Medizinn als all Meister in der Apoteke pflegen zu schreiben. Zu dem ersten so soll man anheben an dem Gewicht des Pfunts. (Fol. 256ab).

V. Ein unvollstaendiges Rezept zur Anfertigung von Goldmalereien. Darin kommen die deutschen Woerter *Lim* (d. i. Leim), קנ̇ייד בלה̈ (?), *Brei*, *Berzan*, *Cotton* oder *Bawel* (Baumwolle), *braun*, *rot* vor. (Fol. 258a).

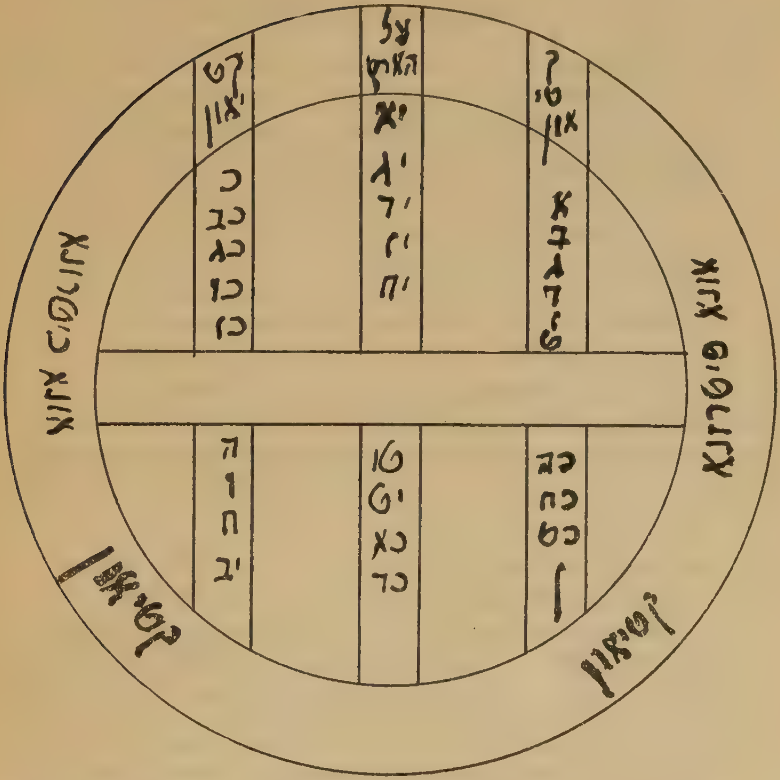
I

כדכד כדין כדין פי' שני מלאכי' פליגים בדבר חד אומר מקדש יהיה בנוי מאבן ישפה באבן בנימין בנחל בנימין וחד אומר של שוהם והקב"ה משיב להם ושמתי כדכד פי' שניהם כדין אבנה המקדש מתרוייהו במהר' בימי' וקרא יפה מסייעו להנחיל אוהבי יש ר"ת ישפה שוהם כלומר אנחיל אוהביי בבניין הבנוי מיש' שוהם קבלתי מאדו' מו' חמי הה̇כ̇ ואלק שי' ואית דדורשי' כמניין י"ש עלמות אנחיל לצדיקים לעתיד לבוא.

II

מרזח אבל כדאמרי' בס"פ מציא' האשה בכתובו' מאי מרזח אבל דכתיב כה אמר ה' אל תבא בית מרזח ואל תלך לספוד א"ר אבהו מניין לאבל שמיסב בראש שנ' אבחר דרכם ואשב ראש ואשכון כמו מלך בגדוד כאשר אבל יְנַחֵם יִנְחַם משמע המנוחם מדלא כתיב יְנַחֵם מר זוטרא אמר וסר מזרח סרוחים כלומר מר וזח שהוא הנעשה שר לסרוחים פי' לגדולים לנחמו נקראי' סרוחי'.

III



לידע מכל דבר מתי ימות ומכל דבר אחר חשוב אותיות של דבר שאתה מבקש ואם לחולה חשוב שם החולה והוסיף כמה ימים יש ללבנה כמו שנפל למשכב על סכום שעולה שם החולה והוציאם והנשאר בידך הוא שוכן בעיגול זה בכאן לפניך אם בצד העליון האמצעי מהרה יתרפא ואם לצדדין יאריך בחוליו ויתרפא ואם בתחתון האמצעי ימות מהרה ואם לצדדין יאריך בחוליו וימות וצריך לספור בכמה ימים הייתה הלבנה בחידושה מיום המולד ולא מיום ר״ח כי לפעמים המולד קודם ר״ח ודוק.

IV

Surgia שורגיא פי׳ רופא פצעים מעדיצינא רופא הגוף
פי׳ מדה הישר פי׳ רופא הגוף

דיט אישט דער רעכט מוֹדְנִין דער מֶעדצינן אלש אל מיישטער אין דער אפטיקא פלעגין צו שרייבן צו דעם ערשטן זו זול מן אן העבן אן דעם געוויכט דיש פונטש.

פי' ליברא אינום ℔ 1 כן כותבין ליטר' אחת והוא לב לוט

פי' חצי

פי' ליברא שֶׁעְמֶש ℔½ כן כותבין ליטר' חצי והו יו' לוט

רביע

או קווארטיר פי' קערטירום אינום qrt 1 כן כותבין רביע אחת מליט' והוא ח' לוט

פי' קערטרום שֶׁמֶש qrt½ כן כותבין רביע חצי והוא ד' לוט

פי' אונציא אינום ℥ 1 כן כותבין אוקיא אחת והוא ב' לוט

כן כותבין הצרפתים במקום צ׳ק' אוקיא וכן בגלחות צִי עושה כמו קוף

פי' אונציא שֶׁמֶש ℥½ כן כותבין אוקיא חצי והוא לוט אחד

פי' דרגמא אינום ʒ 1 כן כותבין רביע מלוט אחד

פי' דרגמן ב' ʒ 2 כן כותבין חצי לוט וכן אך שלשה ווצ

פי' דרגמון שמש ʒ½ כן כותבין דרגמון חצי

פי' שקרופל אינום 1 ϵϵm̧ כן אתה כותב שקרופל בשלשה פנים והוא חלק י"ב מלוט אחד.

פי' שקרופל חצי ϵ½ כן כותבין שקרופל חצי

והנה ידיע ששלשה שקרופל הולכין על דרגמון אחד ודרגמון ארבע עושי' לוט אחד ודרגמון שמנה עושי' אונציא וי"ו אונציא עושי' ליטר' גם ידיע ליהוי לך אשר עשרים חיטים בינוניים עולים דרגמון אחד.

פי' גרעין

פי' גראנא אינום g 1 כן כותבין כשרוצין לכתוב משקל חטה אחת

פי' גראנא ד' g iiii וכן כותבין הרבה ומה שתרצה

כשתרצה לכתוב דרגמון פחות או איזה דבר פחות כתוב מינוש minus ומזה תעשה משקל עם חטים אפי' אם לא היה בידך שום משקל בעולם וכשתרצ' לכתוב שישלח לך אגרוף מלא עשבי' או ב' אגרופים.

אגרוף אחד

פי' מנופולים אינום m i כותבין כן אגרוף אחד

פי' מנופולום שֶׁמֶש m½ כותבין כן חצי אגרוף

פי' אַנַא añ כותבין כן כשרוצין לכתוב שישלח הכל בשוה

כשתרצה לכתוב קח זה או זה כתוב רעצפי ורצעפט הוא לשון לקיחה Rp וכן כותבין רעצפי

Bendel dem juden

פי' דיטור det' כשתרצה לכתוב תן לפלוני זה כותבין כן

עשה אבק

פי' פְיָט פוּלְוֶירָא (!) ft pul כותבין כן כשרוצי' לכתוב לו שיעשה אבק

פי' בלילה

פי' פייט מִיקְשטוּרָא mixtura ft mix כותבין כן לבלול הכל ביחד

ft potent כותבין כֹן לעשות משקה

פיֿיט אונייענטום ft unge unguentum כותבין כן לעשות משיחה

ft drgea שיעשה טרעזנייא

שש מעה כסף דינר והמעה שני פונדיונין והפונדיון שני איסרין והאיסר שני מוסמוסין והמוסמוס שני קונדוק והקונדוק שני פרוטות נמצאו שמנה פרוטות עולים על איסר האיטלקי.

רשב״ג אומר רק ששה פרוטות עולי׳ על איסר לפי ששלשה הדריסין למעה ושני הניצים עולים על הדריס אחד ושני שמנין עולין על הניץ אחד ושתי פרוטות עולין על שְׁמַן אחד נמצא קמ״ד פרוטות עולות לדינר חלקם לכ״ד איסרין תמצא ששה פרוטות בכל חלק.

דינר חח (כסף) חדא הוא ד׳ דינרים זהב עולים על מנה אחד הסלע ד׳ דינרים המנה מאה זוז והוא כ״ה סלעים וסלע ד׳ דינרי׳ כסף ודינר זהב הוא כ״ה דינרים כסף בפי׳ מי שהיה נשוי באש׳ מי שיש לו ג׳ נשים שקל חצי סלע פר״שי במציאת האשה גבי אילפ׳ דשני ליה זהו׳ ס״ב האומר תנו לבני שקל בשבת איפה ג׳ סאין והסאה ששה קבין והקב ד׳ לוגין נמצא האיפה הוא ע״ב לוגין.

ועומר שהוא עשירית האיפה שהוא שיעור חלה והוא שבעה לוגין וביצה וחומש ביצה הלוג י״ב ביצים.

משיחה טובה לעינים שיש בהם וסביבותי׳ וינַן יקח לובן של ביצים צלויים ואונשטין קופרוק וימוצץ מהם הליחלוחית שבהם ויבשל בו מעט ביבנילא ומעט קליפת הולווֶרץ חלולה וב׳ נגלקין וחצי ומעט גֵינגֵבִירְא וב׳ בֵיקְלַרְא וחצי וימשח באותה משיחה סביבות העינים מבחוץ וירפא בע״ה.

V

. . . .

בעץ ראה היות מוחלק היטב וקח לימא אשר יהיה דק כשנתחמם ולא עב ומשוך בנוֹצה על העץ וזה תניח לייבש היטב וכן תעשה פעם שנייה כמו בראשונה ומשוך עליו לימא דק ותנוח לייבש וכן בפעם שלישית ואחר אשר מיובש היטב תחלוק בסכין קצת עליו שלא יהא עב בצד זה יותר מצד אחר ואח״כ קח קני״ד בל״ה נתר ושחקת הדק הדק שיהא כאבק פורח וקח לימא בעודו חם ביותר וערב בתוך הנתר כמו בר״יי ומשוך בנוצה על רישומו של לימא דק ולא עב מאותו בר״יי ותניח לייבש וכן בפעם שנייה וכן בפעם שלישית ובין כל אחת צריכה לייבש ואחר אשר יבש היטב קח פעם אחרת סכין ותחלוק שלא יהא כאן עב וכאן דק אלא הכל בשוה והזהר פן תקרוץ ביותר ואחר כל זאת קח שן שמחליקי׳ בו הציירין שקו׳ בערצאן ותחלוק היטב עליו עד שיהא צלול כזכוכית וכשעשית זאת קח מעט לימא חם ותעבור על הכל דק ולא עב בלי נתר זה תניח ולא תיבש זה ביותר רק עד שיהא כל כך לחלוחית בו לחבר עליו הזהב וגם שלא יהא לח ביותר פן ימוק הדבר אח״כ תניח עליו הזהב כסדר מקום הציור אשר ציירת עם הלימא ואח״כ תקח השן ותחלוק עליו ביותר שיהא צלול כזכוכית ואם יעדיף הזהב יותר מן הציור הגביה הזהב בצמר גרעינין שקו׳ קוט׳ן או בוו״ל אז לא ישאר רק כדי ציור ויתחבר בציור ומקום שיחסור תוסיף למלאות הציור זהב בא׳ כן תעשה גם כן בזה רק במקום קני״ד תשחק ברון רוט... שיהא דק?

ADDITIONS AND CORRECTIONS TO "THE CORRESPONDENCE BETWEEN THE RABBIS OF SOUTHERN FRANCE AND MAIMONIDES ABOUT ASTROLOGY" (IN THE HEBREW UNION COLLEGE ANNUAL, VOL. III, 1926).

Page 314 (reprint p. 8), line 2 from bottom: According to the reading of MS. Berlin reference to which was inserted in note 6 it was not Aristotle, but his followers (הוגי בספרי ארסטו) who denied astrology.

Page 316 (p. 10), l. 13–14 read: since the astrologers maintain that the position of the moon at the birth is the same as that of the ascendant at the time of conception. (Dr. I. Efros).

Page 319 (p. 13): The statement that Avicenna's name does not occur in the Index to Thorndike is due to oversight on my part and ought to be omitted.

Page 321 (p. 15), note 17: I recently found that Maimonides' letter on astrology has been published with another Latin translation more conveniently in Corvé (Biesenthal), Chrestomathia Rabbinica, Berlin 1844, pp. 118–145.

Page 325 (p. 19): As Baer rightly suspected in his interesting article in MGWJ. 70, 1926, p. 160, note 4, the letter which had reached the Provençal Rabbis was not the "Letter to Yemen," but the forged letter ascribed to Maimonides which was published by Neubauer REJ. IV, 1881, pp. 174–5. Baer's doubt as to the date of the real letter to Yemen, ibid. p. 158, note 4 is refuted by p. 356 (p. 50) § 27 of our text where all the MSS. agree that it was written about 22 years before the letter on astrology. I do not think that such a construction is permissible in view of the unanimity of the tradition.

Page 338 (p. 32), line 3: See now Ben Yehuda Vol. VI, p. 2925.

Page 343 (p. 37), line 19: The reading of the MS. השוכני is correct; see Judges 8, 11. My former pupil Rabbi Joseph Marcus drew my attention to this passage.

Ib. line 23 read: רחושי (דלבא) (Prof. S. Landauer).

Ib. Line 25 read: שמכניסים (Landauer, Blau).

Page 344 (p. 38), line 3 read: עליונית and line 7 לאצוליה (Landauer.)

Ib. add a period at the end of l. 22 and transfer that on l. 24 after דברנו. (Dr. Gittelsohn.)

Page 345 (p. 39) line 13 read: ילקה.

Ib. Line 21 read: דברי חכמי המזלות instead of ידי?

Ib. Line 24: instead of בכרת read במדת; comp. p. 347 (p. 41) line 24 (Dr. S. Gittelsohn). Abraham Ibn Ezra's horoscope for a child, Kahana, רב אברהם אבן עזרא, Warsaw 1894, II, 1, pp. 119–22, is an interesting example how out of the constallation of a son the fate of his parents was determined.

Ib. line 35 read: לא דברו מאומה [על אבי האב] (Landauer).

Page 346 (p. 40), line 2 read: למי instead of לפי. (Dr. Gittelsohn.)

Page 347 (p. 41), line 31: instead of ותבוא read ותבאר?

Page 348 (p. 42), 11. 2–6: Dr. Efros drew my attention to the interesting parallel in Ibn Ezra's longer commentary on Ex. 2, 2 which reads according to our MSS.:

והיודע עת ההריון יכול לדעת עת הלידה. כי היודע עת הלידה יכול לדעת עת ההריון כי דבר מנוסה הוא לקדמונים, וה' פעמים נסיתיו גם אנכי, כי מקום מזל הלבנה ומעלתה ברגע ההריון היא מעלת המזל הצומח ברגע הלידה. גם המעלה הצומחת ברגע ההריון שם תהיה הלבנה רגע המולד. והנה המעמד הקצוב הם מאתים וחמשים יום ותשעה ימים ושלישית יום, והאמצעי רע"ג, והגדול שהוא הארוך רפ"ז. וחכמי המזלות יורו כן.

It is curious that according to Ibn Ezra's statement the position of the moon at the time of conception corresponds to that of the ascendant at the time of birth, while our text reverses the relation between moon and ascendant. (See correction to page 10). Ibn Ezra and our text seem to have used a similar source for the length of the period of conception. But ours cannot go back to Ibn Ezra, as it adds some more details. Incidentally this passage shows that besides his son Isaac Ibn Ezra had at least four other children. The death of one of them he mourns in a poem (Egers No. 203, Rosin No. 56) which the editors wrongly refer to Isaac.

Ib. line 17 read: רבותינו ז"ל; comp. שבת 129b.

Page 354 (p. 48), line 12 read: חיה.

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